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MINISTRY OF LAW NOTIFICATION

New Delhi, the 15th April, 1961

S.O. 859.—In exercise of the powers conferred by section 169 of the Representation of the People Act, 1961 (43 of 1951) and in supersession of the Representation of the People (Conduct of Elections and Election Petitions) Rules, 1956, the Central Government, after consulting the Election Commission, hereby makes the following rules, namely:—

THE CONDUCT OF ELECTIONS RULES, 1961

PART I

Preliminary

1. *Short title and commencement.*—(1) These rules may be called the Conduct of Elections Rules, 1961.

(2) They shall come into force on the 25th day of April, 1961:

Provided that these rules shall not apply to or in relation to any election called but not completed before that date and the Representation of the People (Conduct of Elections and Election Petitions) Rules, 1956, shall continue to apply to or in relation to any such election as if these rules had not been made.

2. *Interpretation.*—(1) In these Rules, unless the context otherwise requires,—

(a) "Act" means the Representation of the People Act, 1951 (43 of 1951);

(b) "ballot box" includes any box, bag or other receptacle used for the insertion of ballot paper by voters;

(c) "election by assembly members" means an election to the Council of States by the elected members of the Legislative Assembly

of a State or by the members of the electoral college of a Union territory, or an election to the Legislative Council of a State by the members of the Legislative Assembly of that State;

(d) "elector" in relation to an election by assembly members, means any person entitled to vote at that election;

(e) "electoral roll" in relation to an election by assembly members, means the list maintained under section 152 by the returning officer for that election;

(f) "electoral roll number" of a person means—

(i) the serial number of the entry in the electoral roll in respect of that person;

(ii) the serial number of the part of the electoral roll in which such entry occurs; and

(iii) the name of the constituency to which the electoral roll relates;

(g) "Form" means a Form appended to these Rules and includes a translation thereof in any of the languages specified in the Eighth Schedule to the Constitution;

(h) "polling Station" in relation to an election by assembly members means the place fixed under section 29 for taking the poll at that election;

(i) "presiding officer" includes—

(i) any polling officer performing any of the functions of a presiding officer under sub-section (2) or sub-section (3) of section 26; and

(ii) any returning officer while presiding over an election under sub-section (2) of section 29.

(j) "returning officer" includes any assistant returning officer performing any function he is authorised to perform under sub-section (2) of section 22.

(k) "section" means a section of the Act.

(2) For the purposes of the Act or these rules, a person who is unable to write his name shall, unless otherwise expressly provided in these rules, be deemed to have signed an instrument or other paper if—

(a) he has placed a mark on such instrument or other paper in the presence of the returning officer or the presiding officer or such other officer as may be specified in this behalf by the Election Commission, and

(b) such officer on being satisfied as to his identity has attested the mark as being the mark of that person.

(3) Any requirement under these rules that a notification, order, declaration, notice or list issued or made by any authority shall be published in the Official Gazette shall, unless otherwise expressly provided in these rules, be construed as a requirement that it shall be published in the Gazette of India if it relates to an election to, or membership of, either House of Parliament or an electoral college, and in the Official Gazette of the State, if it relates to an election to, or membership of, the House or either House of the State Legislature.

(4) The General Clauses Act, 1897 (10 of 1897) shall apply for the interpretation of these rules as it applies for the interpretation of an Act of Parliament.

PART II

General provisions

3. *Public notice of intended election.*—The public notice of an intended election referred to in section 31 shall be in Form 1 and shall, subject to any directions of the Election Commission, be published in such manner as the returning officer thinks fit.

4. *Nomination paper.*—Every nomination paper presented under sub-section (1) of section 33 shall be completed in such one of the Forms 2A to 2E as may be appropriate:

Provided that a failure to complete, or defect in completing, the declaration as to symbols in a nomination paper in Form 2A or Form 2B shall not be deemed to be a defect of a substantial character within the meaning of sub-section (4) of section 36.

5. *Symbols for elections in parliamentary and assembly constituencies.*—(1) The Election Commission shall, by notification in the Gazette of India and in the Official Gazette of each State, specify the symbols that may be chosen by candidates at elections in parliamentary or assembly constituencies and the restrictions to which their choice shall be subject.

(2) Where at any such election, more nomination papers than one are delivered by or on behalf of a candidate, the declaration as to symbols made in the nomination paper first delivered, and no other declaration as to symbols, shall be taken into consideration under rule 10 even if that nomination paper has been rejected.

6. *Authentication of certificates issued by the Election Commission.*—A certificate issued by the Election Commission under sub-section (3) of section 9 or under sub-section (3) of section 33 shall be signed by the Secretary to the Election Commission and shall bear its official seal.

7. *Notice of nominations.*—The notice of nominations under section 35 shall be in such one of the Forms 3A to 3C as may be appropriate.

8. *List of validly nominated candidates.*—The list of validly nominated candidates referred to in sub-section (8) of section 36 shall be in Form 4.

9. *Notice of withdrawal of candidature.*—(1) A notice of withdrawal of candidature under sub-section (1) of section 37 shall be in Form 5 and shall contain the particulars set out therein; and on receipt of such notice, the returning officer shall note thereon the date and time at which it was delivered.

(2) The notice under sub-section (3) of section 37 shall be in Form 6.

10. *Preparation of list of contesting candidates.*—(1) The list of contesting candidates referred to in sub-section (1) of section 38 shall be in Form 7A or Form 7B as may be appropriate and shall contain the particulars set out therein and shall be prepared in such language or languages as the Election Commission may direct.

(2) The alphabetical order referred to in sub-section (2) of section 38 shall be determined with reference to the surnames of the candidates having surnames and the names proper of other candidates.

(3) If the list is prepared in more languages than one, the names of candidates therein shall be arranged alphabetically according to the script of such one of those languages as the Election Commission may direct.

(4) At an election in a parliamentary or assembly constituency, where a poll becomes necessary, the returning officer shall consider the choice of symbols expressed by the contesting candidates in their nomination papers and shall, subject to any general or special direction issued in this behalf by the Election Commission,—

(a) allot a different symbol to each contesting candidate in conformity, as far as practicable, with his choice; and

(b) If more contesting candidates than one have indicated their preference for the same symbol, decide by lot to which of such candidates the symbol will be allotted.

(5) The allotment by the returning officer of any symbol to a candidate shall be final except where it is inconsistent with any directions issued by the Election Commission in this behalf in which case the Election Commission may revise the allotment in such manner as it thinks fit.

(6) Every candidate or his election agent shall forthwith be informed of the symbol allotted to the candidate and be supplied with a specimen thereof by the returning officer.

11. *Publication of list of contesting candidates.*—(1) The returning officer shall, immediately after its preparation, cause a copy of the list of contesting candidates to be affixed in some conspicuous place in his office and shall also supply a copy thereof to each of the contesting candidates or his election agent.

(2) If a poll becomes necessary under sub-section (1) of section 53, the returning officer shall publish the list of contesting candidates in the Official Gazette.

12. *Appointment of election agent.*—(1) Any appointment of an election agent under section 40 shall be made in Form 8 and the notice of such appointment shall be given by forwarding the same to the returning officer.

(2) The revocation of the appointment of an election agent under sub-section (1) of section 42 shall be made in Form 9.

13. *Appointment of polling agents.*—(1) The number of polling agents that may be appointed under section 46 shall be one agent and two relief agents.

(2) Every such appointment shall be made in Form 10 and shall be made over to the polling agent for production at the polling station or the place fixed for the poll, as the case may be.

(3) No polling agent shall be admitted into the polling station or the place fixed for the poll unless he has delivered to the presiding officer the instrument of his appointment under sub-rule (2) after duly completing and signing before the presiding officer the declaration contained therein.

14. *Revocation of the appointment of a polling agent.*—(1) The revocation of the appointment of a polling agent under sub-section (1) of section 48 shall be made in Form 11 and lodged with the presiding officer.

(2) In the event of any such revocation the candidate or his election agent may, at any time before the poll is closed, make a fresh appointment in the manner specified in rule 13 and the provisions of that rule shall apply to every such agent.

15. *Publication of the hours fixed for polling.*—The hours fixed for polling under section 56 shall be published by notification in the Official Gazette.

16. *Voting normally to be in person.*—Save as hereinafter provided, all electors voting at an election shall do so in person at the polling station provided for them under section 25 or, as the case may be, at the place of polling fixed under section 29.

PART III

Postal ballot

17. *Definitions*—In this Part,—

(a) "service voter" means any person who is required to give his vote by postal ballot under clause (a) of section 60;

(b) "special voter" means any person holding an office to which the provisions of sub-section (4) of section 20 of the Representation of the People Act, 1950 are declared to apply or the wife of such person, if he or she has been registered as an elector by virtue of a statement made under sub-section (5) of the said section;

(c) "voter on election duty" means any polling agent, any polling officer, presiding officer or other public servant, who is an elector in the constituency and is by reason of his being on election duty unable to vote at the polling station where he is entitled to vote.

18. *Persons entitled to vote by post.*—The following persons shall, subject to their fulfilling the requirements hereinafter specified, be entitled to vote by post, namely:—

(a) at an election in a parliamentary or assembly constituency—

(i) special voters;

(ii) service voters;

(iii) voters on election duty; and

(iv) electors subject to preventive detention;

(b) at an election in a council constituency—

(i) voters on election duty;

(ii) electors subjected to preventive detention; and

(iii) electors in the whole or any specified parts, of the constituency if directed by the Election Commission in this behalf under clause (b) of rule 68;

(c) at an election by assembly members—

(i) electors subjected to preventive detention; and

(ii) all electors if directed by the Election Commission in this behalf under clause (a) of rule 68.

19. *Intimation by special voters.*—A special voter who wishes to vote by post at an election shall send an intimation in Form 12 to the returning officer so as to reach him at least ten days before the date of poll; and on receipt of the intimation the returning officer shall issue a postal ballot paper to him.

20. *Intimation by voters on election duty.*—A voter on election duty who wishes to vote by post at an election shall send an application in Form 12 to the returning officer so as to reach him at least seven days or such shorter period as the returning officer may allow before the date of poll; and if the returning officer is satisfied that the applicant is a voter on election duty, he shall issue a postal ballot paper to him.

21. *Electors under preventive detention.*—(1) The appropriate Government shall, within 15 days of the calling of an election, ascertain and intimate to the returning officer the names of the electors, if any, subjected to

preventive detention together with their addresses and electoral roll numbers and the particulars about their places of detention.

(2) Any elector subjected to preventive detention may, within 15 days of the calling of an election, send an intimation to the returning officer that he wishes to vote by post, specifying his name, address, electoral roll number and place of detention.

(3) The returning officer shall issue a postal ballot paper to every elector subjected to preventive detention whose name has been intimated to him under sub-rule (1) or under sub-rule (2).

22. *Form of ballot paper.*—(1) A postal ballot paper shall be in such form, and the particulars therein shall be in such language or languages, as the Election Commission may direct.

(2) The names of the candidates shall be arranged in the order in which they appear in the list of contesting candidates.

(3) If two or more candidates bear the same name, they shall be distinguished by the addition of their occupation or residence or in some other manner.

23. *Issue of ballot paper.*—(1) A postal ballot paper shall be sent by post under certificate of posting to the elector together with—

- (a) a declaration in Form 13A;
- (b) a cover in Form 13B;
- (c) a large cover addressed to the returning officer in Form 13C;
- and
- (d) instructions for the guidance of the elector in Form 13D:

Provided that the returning officer may, in the case of a special voter or a voter on election duty, deliver the ballot paper and forms, or cause them to be delivered, to such voter personally.

(2) The returning officer shall at the same time—

(a) record the serial number of each ballot paper against the entry relating to that elector in the copy of the electoral roll set apart for the purpose (hereinafter referred to as the marked copy of the electoral roll); and

(b) ensure that that elector is not allowed to vote at a polling station.

(3) Before any ballot paper is issued to an elector at an election in a local authorities' constituency or by assembly members, the serial number of the ballot paper shall be effectively concealed in such manner as the Election Commission may direct.

(4) Every officer under whose care or through whom a postal ballot paper is sent shall ensure its delivery to the addressee without delay.

(5) After ballot papers have been issued to all the electors entitled to vote by post, the returning officer shall—

(a) at an election in a parliamentary or assembly constituency, seal up in a packet that part of the marked copy of the electoral roll which relates to service voters and record on the packet a brief description of its contents and the date on which it was sealed and send the other relevant parts of the marked copy to the several presiding officers for recording the serial numbers of ballot papers issued to electors at the polling stations; and

(b) at any other election, seal up in a packet the marked copy of the electoral roll and record on the packet a brief description of its contents and the date on which it is sealed.

24. *Recording of vote.*—(1) An elector who has received a postal ballot paper and desires to vote shall record his vote on the ballot paper in accordance with the directions contained in Part I of Form 13D and then enclose it in the cover in Form 13B.

(2) The elector shall sign the declaration in Form 13A in the presence of, and have the signature attested by, a stipendiary magistrate or such other officer specified below, as may be appropriate, to whom he is personally known or to whose satisfaction he has been identified—

(a) in the case of a service voter, such officer as may be appointed in this behalf by the Commanding Officer of the unit, ship or establishment in which the voter or her husband, as the case may be, is employed or such officer as may be appointed in this behalf by the diplomatic or consular representative of India in the country in which such voter is resident;

(b) in the case of a special voter, an officer not below the rank of a Deputy Secretary to Government;

(c) in the case of a voter on election duty, any gazetted officer;

(d) in the case of an elector under preventive detention, the Superintendent of the jail or the Commandant of the detention camp in which the elector is under detention, and

(e) in any other case, such officer as may be notified in this behalf by the Election Commission.

25. *Assistance to illiterate or infirm voters.*—(1) If an elector is unable through illiteracy, blindness or other physical infirmity to record his vote on a postal ballot paper and sign the declaration, he shall take the ballot paper, together with the declaration and the covers received by him to an officer competent to attest his signature under sub-rule (2) of rule 24 and request the officer to record his vote and sign his declaration on his behalf.

(2) Such officer shall thereupon mark the ballot paper in accordance with the wishes of the elector in his presence, sign the declaration on his behalf and complete the appropriate certificate contained in form 13A.

26. *Re-issue of ballot paper.*—(1) When a postal ballot paper and other papers sent under rule 23 are for any reason returned undelivered, the returning officer may re-issue them by post under certificate of posting or deliver them or cause them to be delivered to the elector personally on a request being made by him.

(2) If any elector has inadvertently dealt with the ballot paper or any of the other papers sent to him under rule 23 in such a manner that they cannot conveniently be used, a second set of the papers shall be issued to him after he has returned the spoilt papers and satisfied the returning officer of the inadvertence.

(3) The returning officer shall cancel the spoilt papers so returned and keep them in a separate packet after noting thereon the particulars of the election and the serial numbers of the cancelled ballot papers.

27. *Return of ballot paper.*—(1) After an elector has recorded his vote and made his declaration under rule 24 or rule 25, he shall return the ballot paper and declaration to the returning officer in accordance with the instructions communicated to him in Part II of Form 13D so as to reach the returning officer before 10 a.m. on the date or the last of the dates fixed for the poll.

(2) If any cover containing a postal ballot paper is received by the returning officer after the expiry of the time fixed in sub-rule (1), he shall note thereon the date and time of its receipt and shall keep all such covers together in a separate packet.

(3) The returning officer shall keep in safe custody until the commencement of the counting of votes all covers containing postal ballot papers received by him.

PART IV

Voting in Parliamentary and Assembly Constituencies

28. *Definitions.*—In this Part, unless the context otherwise requires,—

(a) “candidate” means a contesting candidate;

(b) “constituency” means a parliamentary or assembly constituency; and

(c) “polling agent”, in relation to a polling station, means a polling agent of a candidate duly appointed under section 46 for the polling station and includes a candidate and the election agent of a candidate when present at the polling station.

29. *Design of ballot boxes.*—Every ballot box shall be of such design as may be approved by the Election Commission.

30. *Form of ballot papers.*—(1) Every ballot paper shall be in such form, and the particulars therein shall be in such language or languages, as the Election Commission may direct.

(2) The names of the candidates shall be arranged on the ballot paper in the same order in which they appear in the list of contesting candidates.

(3) If two or more candidates bear the same name, they shall be distinguished by the addition of their occupation or residence or in some other manner.

31. *Arrangements at polling stations.*—(1) Outside each polling station there shall be displayed prominently—

(a) a notice specifying the polling area the electors of which are entitled to vote at the polling station and, when the polling area has more than one polling station, the particulars of the electors so entitled; and

(b) a copy of the list of contesting candidates.

(2) At each polling station, there shall be set up two or more voting compartments in which electors can record their votes screened from observation.

(3) The returning officer shall provide at each polling station a sufficient number of ballot boxes, copies of the relevant part of the electoral roll, ballot papers, instruments for stamping the distinguishing mark on ballot papers and articles necessary for electors to mark the ballot papers.

32. *Admission to polling stations.*—The presiding officer shall regulate the number of electors to be admitted at any one time inside the polling station and shall exclude therefrom all persons other than—

- (a) polling officers;
- (b) public servants on duty in connection with the election;
- (c) persons authorized by the Election Commission;
- (d) candidates, their election agents and subject to the provisions of rule 13, one polling agent of each candidate;
- (e) a child in arms accompanying an elector;
- (f) a person accompanying a blind or infirm elector who cannot move without help; and
- (g) such other persons as the returning officer or the presiding officer may employ under sub-rule (2) of rule 34 or sub-rule (1) of rule 35.

33. *Preparation of ballot boxes for poll.*—(1) Where a paper seal is used for securing a ballot box, the presiding officer shall affix his own signature on the paper seal and obtain thereon the signatures of such of the polling agents present as are desirous of affixing the same.

(2) The presiding officer shall thereafter fix the paper seal so signed in the space meant therefor in the ballot box and shall then secure and seal the box in such manner that the slit for the insertion of ballot paper therein remains open.

(3) The seals used for securing a ballot box shall be affixed in such manner that after the box has been closed it is not possible to open it without breaking the seals.

(4) Where it is not necessary to use paper seals for securing the ballot boxes, the presiding officer shall secure and seal the ballot box in such manner that the slit for the insertion of ballot papers remains open and shall allow the polling agents present to affix, if they so desire, their seals.

(5) Every ballot box used at a polling station shall bear labels, both inside and outside, marked with—

- (a) the serial number, if any, and name of the constituency;
- (b) the serial number and name of the polling station;
- (c) the serial number of the ballot box (to be filled in at the end of the poll on the label outside the ballot box only); and
- (d) the date of poll.

(6) Immediately before the commencement of the poll, the presiding officer shall demonstrate to the polling agents and other persons present that the ballot box is empty and bears the labels referred to in sub-rule (5).

(7) The ballot box shall then be closed, sealed and secured and placed in full view of the presiding officer and the polling agents.

34. *Facilities for women electors.*—(1) Where a polling station is for both men and women electors, the presiding officer may direct that they shall be admitted into the polling station alternately in separate batches.

(2) The returning officer or the presiding officer may appoint a woman to serve as an attendant at any polling station to assist women electors and also to assist the presiding officer generally in taking the poll in respect of women electors, and, in particular, to help in searching any woman elector in case it becomes necessary.

35. *Identification of electors.*—(1) The presiding officer may employ at the polling station such persons as he thinks fit to help in the identification of the electors or to assist him otherwise in taking the poll.

(2) As each elector enters the polling station, the presiding officer or the polling officer authorized by him in this behalf shall check the elector's name and other particulars with the relevant entry in the electoral roll and then call out the serial number, name and other particulars of the elector.

(3) Where the polling station is situated in a constituency, electors of which have been supplied with identity cards under the provisions of the Registration of Electors Rules, 1960, the elector shall produce his identity card before the presiding officer or the polling officer authorized by him in this behalf.

(4) In deciding the right of a person to obtain a ballot paper, the presiding officer or the polling officer, as the case may be, shall overlook merely clerical or printing errors in an entry in the electoral roll, if he is satisfied that such person is identical with the elector to whom such entry relates.

36. *Challenging of identity.*—(1) Any polling agent may challenge the identity of a person claiming to be a particular elector by first depositing a sum of two rupees in cash with the presiding officer for each such challenge.

(2) On such deposit being made, the presiding officer shall—

(a) warn the person challenged of the penalty for personation;

(b) read the relevant entry in the electoral roll in full and ask him whether he is the person referred to in that entry;

(c) enter his name and address in the list of challenged votes in Form 14; and

(d) require him to affix his signature in the said list.

(3) The presiding officer shall thereafter hold a summary inquiry into the challenge and may for that purpose—

(a) require the challenger to adduce evidence in proof of the challenge and the person challenged to adduce evidence in proof of his identity;

(b) put to the person challenged any questions necessary for the purpose of establishing his identity and require him to answer them on oath; and

(c) administer an oath to the person challenged and any other person offering to give evidence.

(4) If, after the inquiry, the presiding officer considers that the challenge has not been established, he shall allow the person challenged to vote; and if he considers that the challenge has been established, he shall debar the person challenged from voting.

(5) If the presiding officer is of the opinion that the challenge is frivolous or has not been made in good faith, he shall direct that the deposit made under sub-rule (1) be forfeited to Government, and in any other case, he shall return it to the challenger at the conclusion of the inquiry.

37. *Safeguards against personation.*—(1) Every elector about whose identity the presiding officer or the polling officer, as the case may be, is satisfied, shall allow his left forefinger to be inspected by the presiding officer or polling officer and an indelible ink mark to be put on it.

(2) If any elector—

(a) refuses to allow his left forefinger to be inspected or marked in accordance with sub-rule (1) or has already such a mark on his left forefinger or does any act with a view to removing the ink mark, or

(b) fails or refuses to produce his identity card as required by sub-rule (3) of rule 35,

he shall not be supplied with any ballot paper or allowed to vote.

(3) Where a poll is taken simultaneously in a parliamentary constituency and an assembly constituency, an elector whose left forefinger has been marked with indelible ink or who has produced his identity card at

one such election shall, notwithstanding anything contained in sub-rules (1) and (2), be supplied with a ballot paper for the other election.

(4) Any reference in this rule to the left forefinger of an elector shall, in the case where the elector has his left forefinger missing, be construed as a reference to any other finger of his left hand, and shall in the case where all the fingers of his left hand are missing, be construed as a reference to the forefinger or any other finger of his right hand, and shall in the case where all his fingers of both the hands are missing be construed as a reference to such extremity of his left or right arm as he possesses.

38. *Issue of ballot papers to electors.*—(1) Every ballot paper shall before issue to an elector be stamped with such distinguishing mark as the Election Commission may direct.

(2) At the time of issuing a ballot paper to an elector, the polling officer shall record the serial number thereof against the entry relating to the elector in the copy of the electoral roll set apart for the purpose.

(3) Save as provided in sub-rule (2), no person in the polling station shall note down the serial numbers of the ballot papers issued to particular electors.

39. *Voting procedure.*—(1) The elector on receiving the ballot paper shall forthwith—

(a) proceed to one of the voting compartments,

(b) there make a mark on the ballot paper with the instrument supplied for the purpose on or near the symbol of the candidate for whom he intends to vote,

(c) fold the ballot paper so as to conceal his vote,

(d) if required, show to the presiding officer the distinguishing mark on the ballot paper,

(e) insert the folded ballot paper into the ballot box, and

(f) quit the polling station.

(2) Every elector shall vote without undue delay.

(3) No elector shall be allowed to enter a voting compartment when another elector is inside it.

40. *Recording of votes of blind or infirm electors.*—(1) If owing to blindness or other physical infirmity, an elector is unable to recognize the symbols on the ballot paper or to make a mark thereon, the presiding officer shall record the vote on the ballot paper in accordance with the wishes of the elector, fold it so as to conceal the vote and insert it into the ballot box.

(2) While acting under this rule, the presiding officer shall observe as much secrecy as is feasible and shall keep a brief record of each such instance but shall not indicate therein the manner in which any vote has been given.

41. *Spoilt and returned ballot papers.*—(1) An elector who has inadvertently dealt with his ballot paper in such manner that it cannot be conveniently used as a ballot paper may, on returning it to the presiding officer and on satisfying him of the inadvertence, be given another ballot paper, and the ballot paper so returned shall be marked "Spoilt:cancelled" by the presiding officer.

(2) If an elector after obtaining a ballot paper decides not to use it, he shall return it to the presiding officer, and the ballot paper so returned shall be marked as "Returned: cancelled" by the presiding officer.

(3) All ballot papers cancelled under sub-rule (1) or sub-rule (2) shall be kept in a separate packet.

42. *Tendered votes.*—(1) If a person representing himself to be a particular elector applies for a ballot paper after another person has already voted as such elector, he shall, on satisfactorily answering such questions relating to his identity as the presiding officer may ask, be entitled, subject to the following provisions of this rule, to mark a ballot paper (hereinafter in these rules referred to as a "tendered ballot paper") in the same manner as any other elector.

(2) Every such person shall, before being supplied with a tendered ballot paper, sign his name against the entry relating to him in a list in Form 15.

(3) A tendered ballot paper shall be the same as the other ballot papers used at the polling except that it shall be—

(a) serially the last in the bundle of ballot papers issued for use at the polling station; and

(b) endorsed on the back with the words "tendered ballot paper" by the presiding officer in his own hand and signed by him.

(4) The elector, after marking a tendered ballot paper in the voting compartment and folding it, shall, instead of putting it into the ballot box, give it to the presiding officer, who shall place it in a cover specially kept for the purpose.

43. *Closing of poll.*—(1) The presiding officer shall close a polling station at the hour fixed in that behalf under section 56 and shall not thereafter admit any elector into the polling station:

Provided that all electors present at the polling station before it is closed shall be allowed to cast their votes.

(2) If any question arises whether an elector was present at the polling station before it was closed, it shall be decided by the presiding officer and his decision shall be final.

44. *Sealing of ballot boxes after poll.*—(1) As soon as practicable after the closing of the poll, the presiding officer shall close the slit of the ballot box, and where the box does not contain any mechanical device for closing the slit, he shall seal up the slit and also allow any polling agent present to affix his seal.

(2) The ballot box shall thereafter be sealed and secured.

(3) Where it becomes necessary to use a second ballot box by reason of the first ballot box getting full, the first box shall be closed, sealed and secured as provided in sub-rules (1) and (2) before another ballot box is put into use.

(4) The foregoing provisions of this rule shall not apply at a polling station to the presiding officer of which the Election Commission has issued a direction asking him to proceed in accordance with sub-rule (5).

(5) At any such polling station, as soon as practicable after the close of poll, the presiding officer shall—

(a) transfer all the ballot papers contained in the ballot box or boxes used at that polling station, without examining or counting them and with due regard to the secrecy of the ballot, into a cloth bag or cloth-lined cover after demonstrating to the polling agents present that the bag or cover is empty;

(b) allow the polling agents present to inspect each ballot box and demonstrate to them that it has been emptied;

(c) record on the bag or cover the name of the constituency, the name of the polling station and the date of the poll; and

(d) seal the bag or cover and allow any polling agent present to affix his seal thereon.

45. *Account of ballot papers.*—The presiding officer shall at the close of the poll prepare a ballot paper account in Form 16 and enclose it in a separate cover with the words "Ballot Paper Account" superscribed thereon.

46. *Sealing of other packets.*—(1) The presiding officer shall then make into separate packets—

(a) the marked copy of the electoral roll;

(b) the unused ballot papers;

(c) the cancelled ballot papers;

(d) the cover containing the tendered ballot papers and the list in Form 15;

(e) the list of challenged votes; and

(f) any other papers directed by the Election Commission to be kept in a sealed packet.

(2) Each such packet shall be sealed with the seals of the presiding officer and of those polling agents present who may desire to affix their seals thereon.

47. *Transmission of ballot boxes, etc., to the returning officer.*—(1). The presiding officer shall then deliver or cause to be delivered to the returning officer at such place as the returning officer may direct—

(a) the ballot boxes or, as the case may be, the bags or covers referred to in rule 44;

(b) the ballot paper account;

(c) the sealed packets referred to in rule 46; and

(d) all other papers used at the poll.

(2) The returning officer shall make adequate arrangements for the safe transport of all ballot boxes, packets and other papers and for their safe custody until the commencement of the counting of votes.

48. *Procedure on adjournment of poll.*—(1) If the poll at any polling station is adjourned under sub-section (1) of section 57, the provisions of rules 44 to 47 shall, as far as practicable, apply as if the poll was closed at the hour fixed in that behalf under section 56.

(2) When an adjourned poll is recommenced under sub-section (2) of section 57, the electors who have already voted at the poll so adjourned shall not be allowed to vote again.

(3) The returning officer shall provide the presiding officer of the polling station at which such adjourned poll is held, with the sealed packet containing the marked copy of the electoral roll and a new ballot box.

(4) The presiding officer shall open the sealed packet in the presence of the polling agents present and use the marked copy of the electoral roll for recording the serial numbers of the ballot papers issued to electors at the adjourned poll.

(5) The provisions of rules 28 to 47 shall apply in relation to the conduct of an adjourned poll as they apply in relation to the poll before it was so adjourned.

49. *Voting by ballot at notified polling stations.*—(1) Notwithstanding anything contained in the preceding provisions of this part, the Election Commission may, by notification published in the official gazette at least 15 days before the date, or the first of the dates, of poll appointed for an election, direct that the method of voting by ballot shall be followed in that election at such polling stations as may be specified in the notification.

(2) Every such polling station is hereafter in these rules referred to as a “notified polling station”.

(3) The provisions of rules 28 to 48 shall apply in relation to every notified polling station subject to the following modifications, namely:—

(a) in lieu of rule 30, the following rule shall apply:—

“30A. *Form of ballot paper.*—Every ballot paper shall be of such design as the Election Commission may decide.”

(b) in lieu of sub-rules (2) and (3) of rule 31, the following sub-rules shall apply:—

“(2) At each notified polling station there shall be set up one voting compartment in which the ballot boxes, one for each candidate, shall be placed for the reception of ballot papers during the poll and which shall be so designed that an elector can insert a ballot paper in any of the ballot boxes without being observed by any person outside the compartment.

(3) The returning officer shall provide at each notified polling station a sufficient number of ballot boxes, copies of the relevant part of the electoral roll, ballot papers and such other election materials as may be required for taking the poll.”;

(c) in lieu of sub-rules (5), (6) and (7) of rule 33, the following sub-rules shall apply:—

“(5) The symbol allotted to each candidate under rule 10 shall be printed on labels which shall be affixed both inside and outside the ballot box and such ballot box shall thereafter be deemed to have been allotted to that candidate.

(6) Each ballot box shall also be marked with such other distinguishing marks as the Election Commission may direct.

(7) Immediately before the commencement of the poll, the presiding officer shall allow inspection of each ballot box by the polling agents present and demonstrate to them that (a) it is empty (b) proper labels have been affixed both inside and outside the box and (c) the ballot box is marked in accordance with sub-rule (6).

(8) After all the ballot boxes have been labelled, secured and sealed, they shall be placed in the voting compartment side by side in the same order in which the names of the candidates to whom they have respectively been allotted appear in the list of contesting candidates.”;

(d) in lieu of sub-rule (1) of rule 39, the following sub-rule shall apply:—

“(1) On receiving the ballot paper, the elector shall forthwith go into the voting compartment and insert the ballot paper through the slit into the ballot box allotted to the candidate for whom he wishes to vote.”;

(e) in lieu of sub-rule (1) of rule 40, the following sub-rule shall apply:—

“(1) If owing to blindness or other physical infirmity an elector is unable to recognise the symbols on the ballot boxes or to insert the ballot paper into a ballot box, the presiding officer shall—

(a) enter the voting compartment with such elector,

(b) ascertain from him the name of the candidate for whom he wishes to vote, and

(c) insert the ballot paper into the ballot box of such candidate in accordance with the wishes of such elector.”;

(f) in lieu of rule 42, the following rules shall apply:—

“42A. *Tendered votes.*—(1) If a person representing himself to be a particular elector applies for a ballot paper after another person has already voted as such elector, he shall, on satisfactorily answering such questions relating to his identity as the presiding officer may ask, be supplied with a ballot paper in Form 17 (hereafter in these rules referred to as a “tendered ballot paper”).

(2) Every such person shall, before being supplied with a tendered ballot paper, sign his name against the entry relating to him in a list in Form 15.

(3) Such person shall thereafter record on the tendered ballot paper the name of the candidate for whom he wishes to vote; but if owing to illiteracy, blindness, physical infirmity or any other reason he is unable to make such record, the presiding officer shall do so in accordance with his wishes.

(4) The procedure laid down in sub-rule (3) shall be followed with due regard to secrecy.

(5) Every such tendered ballot paper shall forthwith be placed in a cover specially kept for the purpose.

42B. Presiding officer's entry into voting compartment during poll.—(1) The presiding officer may, whenever he considers it necessary to do so, enter the voting compartment during poll and take such steps as may be necessary to ensure that the ballot boxes therein are not tampered or interfered with in any way.

(2) If the presiding officer has reason to suspect that an elector who has entered the voting compartment is tampering or otherwise interfering with any ballot box or has remained inside the voting compartment unduly long, he shall enter the voting compartment and take such steps as may be necessary to ensure the smooth and prompt progress of the poll.

(3) Whenever the presiding officer enters the voting compartment under this rule, he shall permit the polling agents present to accompany him.

42C. Disposal of ballot papers found wholly or partly outside ballot boxes.—(1) If any ballot paper which has been issued to an elector has not been inserted by him into any ballot box but is found anywhere in or near the polling station, whether within or outside the voting compartment it shall be deemed to have been returned to the presiding officer under sub-rule (2) of rule 41 and dealt with accordingly.

(2) If a ballot paper is found partly inserted into the ballot box of a candidate, it shall be presumed that the intention of the elector was to cast that vote for that candidate and the presiding officer shall accordingly push the ballot paper into that ballot box.”;

(g) in lieu of rule 44, the following rule shall apply:—

“44A. Sealing of ballot boxes after poll.—(1) As soon as practicable after the closing of the poll, the presiding officer shall close the slit of each ballot box and where the boxes do not contain any mechanical device for closing the slit, he shall seal up the slit and also allow any polling agent present to affix his seals.

(2) All the ballot boxes shall thereafter be sealed and secured.”;

(h) in lieu of sub-rule (3) of rule 48, the following sub-rule shall apply:—

“(3) The returning officer shall provide the presiding officer of the polling station at which such adjourned poll is held with the sealed packet containing the marked copy of the electoral roll and a set of new ballot boxes.”

PART V

COUNTING OF VOTES IN PARLIAMENTARY AND ASSEMBLY CONSTITUENCIES

50. *Definitions.*—In this Part, unless the context otherwise requires,—

(a) ‘candidate’ means a contesting candidate;

(b) ‘constituency’ means a parliamentary or assembly constituency;

(c) ‘counting agent’ means a counting agent duly appointed under section 47 and includes a candidate and the election agent of a candidate when present at the counting;

(d) ‘notified polling station’ means a polling station notified under rule 49;

(e) ‘polling station’ means a polling station provided under section 25 other than a notified polling station.

51. *Time and place for counting of votes.*—The returning officer shall, at least one week before the date, or the first of the dates, fixed for the poll, appoint the place or places where the counting of votes will be done and the date and time at which the counting will commence and shall give notice of the same in writing to each candidate or his election agent :

Provided that if for any reason the returning officer finds it necessary so to do, he may alter the date, time and place or places so fixed, or any of them, after giving notice of the same in writing to each candidate or his election agent.

52. *Appointment of counting agents and revocation of such appointments.*—(1) The number of counting agents that a candidate may appoint under section 47 shall, subject to such general or special direction as the Election Commission may issue in this behalf, not exceed sixteen at the place or each of the places fixed for counting under rule 51.

(2) Every such appointment shall be made in Form 18 in duplicate, one copy of which shall be forwarded to the returning officer while the other copy shall be made over to the counting agent for production before the returning officer before 6 p.m. on the day immediately preceding the date fixed for counting under rule 51.

(3) No counting agent shall be admitted into the place fixed for counting unless he has delivered to the returning officer the second copy of his appointment under sub-rule (2) after duly completing and signing the declaration contained therein and receiving from the returning officer an authority for entry into the place fixed for counting.

(4) The revocation of appointment of a counting agent under subsection (2) of section 48 shall be made in Form 19 and lodged with the returning officer.

(5) In the event of any such revocation before the commencement of the counting of votes, the candidate or his election agent may make a fresh appointment in accordance with sub-rule (2).

53. *Admission to the place fixed for counting.*—(1) The returning officer shall exclude from the place fixed for counting of votes all persons except—

- (a) such persons as he may appoint to assist him in the counting;
- (b) persons authorised by the Election Commission;
- (c) public servants on duty in connection with the election; and
- (d) candidates, their election agents and counting agents.

(2) No person who has been employed by or on behalf of, or has been otherwise working for, a candidate in or about the election shall be appointed under clause (a) of sub-rule (1).

(3) The returning officer shall decide which counting agent or agents shall watch the counting at any particular counting table or group of counting tables.

(4) Any person who during the counting of votes misconducts himself or fails to obey the lawful directions of the returning officer may be removed from the place where the votes are being counted by the returning officer or by any police officer on duty or by any person authorised in this behalf by the returning officer.

54. *Maintenance of secrecy of voting.*—The returning officer shall, before he commences the counting, read out the provisions of section 128 to such persons as may be present.

55. *Scrutiny and opening of ballot boxes.*—(1) The returning officer may have the ballot boxes used at more than one polling station opened and their contents counted simultaneously.

(2) Before any ballot box is opened at a counting table, the counting agents present at that table shall be allowed to inspect the paper seal or such other seal as might have been affixed thereon and to satisfy themselves that it is intact.

(3) The returning officer shall satisfy himself that none of the ballot boxes has in fact been tampered with.

(4) If the returning officer is satisfied that any ballot box has in fact been tampered with, he shall not count the ballot papers contained in that box and shall follow the procedure laid down in section 58 in respect of that polling station.

56. *Scrutiny and rejection of ballot papers.*—(1) The ballot papers taken out of each ballot box shall be arranged in convenient bundles and scrutinised.

(2) The returning officer shall reject a ballot paper—

(a) if it bears any mark or writing by which the elector can be identified, or

(b) if no vote is recorded thereon, or

(c) if votes are given on it in favour of more than one candidate, or

(d) if the mark indicating the vote thereon is placed in such manner as to make it doubtful to which candidate the vote has been given, or

(e) if it is a spurious ballot paper, or

(f) if it is so damaged or mutilated that its identity as a genuine ballot paper cannot be established, or

(g) if it bears a serial number, or is of a design, different from the serial numbers or, as the case may be, design, of the ballot papers authorised for use at the particular polling station, or

(h) if it does not bear the mark which it should have borne under the provisions of sub-rule (1) of rule 38 :

Provided that where the returning officer is satisfied that any such defect as is mentioned in clause (g) or clause (h) has been caused by any mistake or failure on the part of a presiding officer or polling officer, the ballot paper shall not be rejected merely on the ground of such defect.

Provided further that a ballot paper shall not be rejected merely on the ground that the mark indicating the vote is indistinct or made more than once, if the intention that the vote shall be for a particular candidate clearly appears from the way the paper is marked.

(3) Before rejecting any ballot paper under sub-rule (2), the returning officer shall allow each counting agent present a reasonable opportunity to inspect the ballot paper but shall not allow him to handle it or any other ballot paper.

(4) The returning officer shall record on every ballot paper which he rejects the letter 'R' and the grounds of rejection in abbreviated form either in his own hand or by means of a rubber stamp.

(5) All ballot papers rejected under this rule shall be bundled together.

57. *Counting of votes.*—(1) Every ballot paper which is not rejected under rule 56 shall be counted as one valid vote:

Provided that no cover containing tendered ballot papers shall be opened and no such paper shall be counted.

(2) After the counting of all ballot papers contained in all the ballot boxes used at a polling station has been completed, the returning officer shall make the entries in a result sheet in Form 20 and announce the particulars.

(3) The valid ballot papers shall thereafter be bundled together and kept along with the bundle of rejected ballot papers in a separate packet which shall be sealed and on which shall be recorded the following particulars, namely:—

(a) the name of the constituency,

(b) the particulars of the polling station where the ballot papers have been used, and

(c) the date of counting.

58. *Counting of ballot papers transferred to bags or covers under rule 44.*—The provisions of rules 55, 56 and 57 shall apply so far as may be in relation to counting of ballot papers and votes, if any, which have been transferred from ballot boxes to cloth bags or cloth-lined covers under sub-rule (5) of rule 44:

Provided that every reference in the said rules to a ballot box shall be construed as a reference to a bag or cover to which the contents of a ballot box have been transferred.

59. *Counting of votes at notified polling stations.*—In relation to the counting of ballot papers found in ballot boxes used at notified polling stations, rules 50 to 54 and, in lieu of rules 55, 56 and 57, the following rules shall apply, namely:—

"55A. *Scrutiny and opening of ballot boxes.*—(1) All ballot boxes used at a notified polling station shall be opened at the same time, but every ballot box shall be dealt with in such manner that its contents do not get mixed up with the contents of any other ballot box.

(2) Subject to the provisions of sub-rule (1), the returning officer may have the ballot boxes used at more notified polling stations than one opened and their contents counted simultaneously.

(3) Before any ballot box is opened, the counting agents present shall be allowed to inspect the paper seal or any other seal that might have been affixed thereon and to satisfy themselves that it is intact.

(4) The returning officer shall satisfy himself that none of the ballot boxes has in fact been tampered with.

(5) If the returning officer is satisfied that any of the ballot boxes has in fact been tampered with, he shall not count the ballot papers contained in any of the ballot boxes used at the polling station at which such box was used and shall proceed as laid down in section 58 in respect of that polling station.

(6) After each ballot box is opened, the counting agents present shall be allowed to inspect the ballot box and satisfy themselves that it bears the proper symbol inside and has been duly marked in accordance with the provisions of sub-rule (6) of rule 33 as modified by clause (c) of sub-rule (3) of rule 49.

(7) If any question arises as to the candidate to whom a particular ballot box was allotted at the poll, the returning officer shall decide such question by a reference to the symbol inside the box:

Provided that—

(a) if there is no symbol inside the box, or

(b) if the symbol inside the box has been damaged or mutilated beyond recognition, or

(c) if the same symbol is found on two or more boxes used at the same polling station,

the returning officer, shall, wherever possible, decide the question by reference to all relevant circumstances including the distinguishing

marks on the ballot box, and where he does not consider it possible to decide the question, he shall immediately refer it to the Election Commission for its decision.

56A. *Scrutiny and rejection of ballot papers.*—(1) The ballot papers taken out of each ballot box shall be arranged in convenient bundles and scrutinised.

(2) The returning officer shall reject a ballot paper—

(a) if it bears any mark or writing by which the elector can be identified, or

(b) if it is a spurious ballot paper, or

(c) if it is so damaged or mutilated that its identity as a genuine ballot paper cannot be established, or

(d) if it bears a serial number, or is of a design, different from the serial numbers, or, as the case may be, design, of the ballot papers authorised for use at the particular polling station, or

(e) if it does not bear the mark which it should have borne under the provisions of sub-rule (1) of rule 38:

Provided that where the returning officer is satisfied that any such defect as is mentioned in clause (d) or clause (e) has been caused by any mistake or failure on the part of a presiding officer or polling officer, the ballot paper shall not be rejected merely on the ground of such defect.

(3) Before rejecting any ballot paper under sub-rule (2), the returning officer shall allow the counting agents present a reasonable opportunity to inspect the ballot paper but shall not allow them to handle it or any other ballot paper.

(4) The returning officer shall record on every ballot paper which he rejects the letter 'R' and the grounds of rejection in abbreviated form either in his own hand or by means of a rubber stamp.

(5) All ballot papers taken out of any one ballot box and rejected under this rule shall be made into a separate bundle.

57A. *Counting of ballot papers.*—(1) Every ballot paper which is not rejected under rule 56 shall be deemed to be valid and shall be counted as one valid vote:

Provided that no cover containing tendered ballot papers shall be opened and no such ballot paper shall be counted.

(2) After the counting of ballot papers contained in all the ballot boxes used at a notified polling station has been completed, the returning officer shall make the entries in a result sheet in Form 20 and announce the particulars.

(3) The valid ballot papers found in each ballot box shall thereafter be bundled together and kept along with the bundle of rejected ballot papers, if any, found in that box, in a separate packet which shall be sealed and on which shall be recorded the following particulars, namely:—

(a) the name of the constituency;

(b) the particulars of the polling station where the ballot papers have been used;

(c) the name of the candidate to whom the ballot box was allotted; and

(d) the date of counting.

(4) The returning officer shall then place together all the packets made up under sub-rule (3) in respect of each candidate in a separate container which shall be sealed and on which shall be recorded the following particulars, namely:—

(a) the name of the constituency,

(b) the name of the candidate, and

(c) the date of counting”.

60. *Counting to be continuous.*—The returning officer shall, as far as practicable, proceed continuously with the counting and shall, during any intervals when the counting has to be suspended, keep the ballot papers, packets and all other papers relating to the election sealed with his own seal and the seals of such candidates or election agents as may desire to affix their seals and take sufficient precaution for their safe custody during such intervals.

61. *Recommencement of counting after fresh poll.*—(1) If a fresh poll is held under section 58, the returning officer shall, after completion of that poll, recommence the counting of votes on the date and at the time and place which have been fixed by him in that behalf and of which notice has been previously given to the candidates and their election agents.

(2) The provisions of rules 56 and 57 shall apply so far may be to such further counting.

62. Scrutiny and counting of postal ballot papers.—(1) After the counting of ballot papers found in ballot boxes has been completed, the returning officer shall deal with the postal ballot papers in the manner herein-after provided.

(2) No cover in Form 13C received by the returning officer after the expiry of the time fixed in that behalf shall be opened and no vote contained in any such cover shall be counted.

(3) The other covers shall be opened one after another and as each cover is opened, the returning officer shall first scrutinise the declaration in Form 13A contained therein.

(4) If the said declaration is not found, or has not been duly signed and attested, or is otherwise substantially defective, or if the serial number of the ballot paper as entered in it differs from the serial number endorsed on the cover in Form 13B, that cover shall not be opened, and after making an appropriate endorsement thereon, the returning officer shall reject the ballot paper therein contained.

(5) Each cover so endorsed and the declaration received with it shall be replaced in the cover in Form 13C and all such covers in Form 13C shall be kept in a separate packet which shall be sealed and on which shall be recorded the name of the constituency, the date of counting and a brief description of its contents.

(6) The returning officer shall then place all the declarations in Form 13A which he has found to be in order in a separate packet which shall be sealed before any cover in Form 13B is opened and on which shall be recorded the particulars referred to in sub-rule (5).

(7) The covers in Form 13B not already dealt with under the foregoing provisions of this rule shall then be opened one after another and the returning officer shall scrutinise each ballot paper and decide the validity of the vote recorded thereon.

(8) A postal ballot paper shall be rejected—

- (a) if no vote is recorded thereon; or
- (b) if votes are given on it in favour of more candidates than one; or
- (c) if it is a spurious ballot paper; or
- (d) if it is so damaged or mutilated that its identity as a genuine ballot paper cannot be established; or
- (e) if it is not returned in the cover sent along with it to the elector by the returning officer.

(9) A vote recorded on a postal ballot paper shall be rejected if the mark indicating the vote is placed on the ballot paper in such manner as to make it doubtful to which candidate the vote has been given.

(10) A vote recorded on a postal ballot paper shall not be rejected merely on the ground that the mark indicating the vote is indistinct or made more than once, if the intention that the vote shall be for a particular candidate clearly appears from the way the paper is marked.

(11) The returning officer shall count all the valid votes given by postal ballot in favour of each candidate, recorded the total thereof in the result sheet in Form 20 and announce the same.

(12) Thereafter, all the valid ballot papers and all the rejected ballot papers shall be separately bundled and kept together in a packet which shall be sealed and on which shall be recorded the name of the constituency, the date of counting and a brief description of its contents.

63. *Re-count of votes.*—(1) After the completion of the counting, the returning officer shall record in the result sheet in Form 20 the total number of votes polled by each candidate and announce the same.

(2) After such announcement has been made, a candidate or, in his absence, his election agent may apply in writing to the returning officer for a re-count of all or any of the ballot papers already counted stating the grounds on which he demands such re-count.

(3) On such an application being made the returning officer shall decide the matter and may allow the application in whole or in part or may reject it *in toto* if it appears to him to be frivolous or unreasonable.

(4) Every decision of the returning officer under sub-rule (3) shall be in writing and contain the reasons therefor.

(5) If the returning officer decides under sub-rule (3) to allow an application either in whole or in part, he shall—

- (a) count the ballot papers again in accordance with his decision;
- (b) amend the result sheet in Form 20 to the extent necessary after such re-count; and
- (c) announce the amendments so made by him.

(6) After the total number of votes polled by each candidate has been announced under sub-rule (1) or sub-rule (5), the returning officer shall complete and sign the result sheet in Form 20 and no application for a re-count shall be entertained thereafter:

Provided that no step under this sub-rule shall be taken on the completion of the counting until the candidates and election agents present at the completion thereof have been given a reasonable opportunity to exercise the right conferred by sub-rule (2).

64. *Declaration of result of election.*—The returning officer shall then, subject to the provisions of section 65 if and so far as they apply to the particular case, declare to be elected the candidate to whom the largest number of valid votes has been given, complete and certify the return of election in Form 21, and send signed copies thereof to the Election Commission and to the Chief Electoral Officer.

65. *Counting at two or more places.*—If ballot papers are counted at more places than one, the provisions of rules 53 to 60 shall apply to the counting at each such place, but the provisions of rules 62 to 64 shall apply only to the counting at the last of such places.

66. *Grant of certificate of election to returned candidate.*—As soon as may be after a candidate has been declared by the returning officer under the provisions of section 53, or section 66, to be elected, the returning officer shall grant to such candidate a certificate of election in Form 22 and obtain from the candidate an acknowledgement of its receipt duly signed by him and immediately send the acknowledgement by registered post to the Secretary of the House of the People or, as the case may be, the Secretary of the Legislative Assembly.

PART VI

VOTING AT ELECTIONS BY ASSEMBLY MEMBERS AND IN COUNCIL CONSTITUENCIES

67. *Definition.*—In this Part, “election” means an election by assembly members or an election in a council constituency.

68. *Notification as to postal ballot.*—The Election Commission may, by notification published in the official gazette at any time before the last date for the withdrawal of candidatures at an election, direct that the method of voting by postal ballot shall be followed—

- (a) at that election, if it is an election by assembly members; or
- (b) in the whole or any specified parts of the constituency, if it is an election in a council constituency.

69. *Notice to electors at election by assembly members.*—As soon as may be after the publication of the hours fixed for polling under section 56 at an election by assembly members, the returning officer for such

election shall send to each elector a notice informing him of the date, time and place fixed for polling.

70. *Rules for conduct of poll.*—The provisions of rules 28 to 48 shall apply—

(a) to every election by assembly members in respect of which no direction has been issued under clause (a) of rule 68, and

(b) to every election in a council constituency unless voting by postal ballot has been directed in the whole of that constituency under clause (b) of rule 68, subject to the following modifications, namely:—

(i) clause (a) of sub-rule (1) of rule 31 shall not apply to an election by assembly members;

(ii) in lieu of rules 37 to 39, the following rules shall apply:—

“37A. *Method of voting.*—(1) Every elector has only one vote at an election irrespective of the number of seats to be filled.

(2) An elector in giving his vote—

(a) shall place on his ballot paper the figure 1 in the space opposite the name of the candidate for whom he wishes to vote in the first instance; and

(b) may, in addition, place on his ballot paper the figure 2, or the figures 2 and 3, or the figures 2, 3 and 4 and so on in the space opposite the names of the other candidates in the order of his preference.

38A. *Issue of ballot papers to electors.*—(1) Every ballot paper shall before issue to an elector be stamped with such distinguishing mark as the Election Commission may direct.

(2) No ballot paper shall be delivered to an elector unless he has put his signature against his name in the marked copy of the electoral roll in token of the receipt of the ballot paper.

(3) Before any ballot paper is delivered to an elector at an election by assembly members or in a local authorities' constituency, the serial number of the ballot paper shall be effectively concealed in such manner as the Election Commission may direct.

39A. *Voting procedure.*—(1) The elector on receiving the ballot paper shall forthwith—

(a) proceed to one of the voting compartments;

(b) record his vote in accordance with sub-rule (2) of rule 37A.

- (c) fold the ballot paper so as to conceal his vote;
- (d) insert the folded ballot paper into the ballot box;
- and
- (e) quit the polling station.

(2) Every elector shall vote without undue delay.

(3) No elector shall be allowed to enter a voting compartment when another elector is inside it.”;

(iii) in lieu of rule 44, the following rule shall apply :—

“44B. *Sealing of ballot box after poll.*—As soon as practicable after the close of the poll, the returning officer shall, in the presence of any polling agents who may be present, close the slit for insertion of ballot papers of each ballot box or where the box does not contain any mechanical device for closing the slit, seal up the slit and secure the ballot box:

Provided that it shall not be necessary to seal the slit or secure the ballot box if the counting of votes is to begin immediately after the close of the poll.”

PART VII

Counting of votes at Elections by Assembly Members or in Council Constituencies

71. *Definitions.*—In this Part,—

(1) ‘continuing candidate’ means any candidate not elected and not excluded from the poll at any given time;

(2) ‘count’ means—

(a) all the operations involved in the counting of the first preferences recorded for candidates; or

(b) all the operations involved in the transfer of the surplus of an elected candidate; or

(c) all the operations involved in the transfer of the total value of votes of an excluded candidate;

(3) ‘exhausted paper’ means a ballot paper on which no further preference is recorded for a continuing candidate, provided that a paper shall also be deemed to have become exhausted whenever—

(a) the names of two or more candidates, whether continuing or not, are marked with the same figure and are next in order of preference; or

(b) the name of the candidate next in order of preference, whether continuing or not, is marked by a figure not following consecutively after some other figure on the ballot paper or by two or more figures;

(4) 'first preference' means the figure 1 set opposite the name of a candidate; 'second preference' means the figure 2 set opposite the name of a candidate; 'third preference' means the figure 3 set opposite the name of a candidate, and so on;

(5) 'original vote', in relation to any candidate, means a vote derived from a ballot paper on which a first preference is recorded for such candidate;

(6) 'surplus' means the number by which the value of the votes, original and transferred, of any candidate exceeds the quota;

(7) 'transferred vote', in relation to any candidate, means a vote the value or the part of the value of which is credited to such candidate and which is derived from a ballot paper on which a second or a subsequent preference is recorded for such candidate; and

(8) 'unexhausted paper' means a ballot paper on which a further preference is recorded for a continuing candidate.

72. *Application of certain rules.*—The provisions of rules 51 to 54 shall apply to the counting of votes at any election by assembly members or in a council constituency as they apply to the counting of votes at an election in a parliamentary or assembly constituency.

73. *Scrutiny and opening of ballot boxes and packets of postal ballot papers.*—(1) The returning officer shall—

(a) first open the ballot boxes, take out from each box and count the ballot papers contained therein, and record their number in a statement;

(b) then deal with the covers containing the postal ballot papers, if any, in the manner provided in sub-rules (2) to (7) of rule 62;

(c) scrutinise the ballot papers taken out of the ballot boxes as well as the postal ballot papers taken out from the covers; and

(d) separate the ballot papers which he deems valid from those which he rejects endorsing on each of the latter the word "Rejected" and the ground of rejection.

(2) A ballot paper shall be invalid on which—

(a) the figure 1 is not marked; or

(b) the figure 1 is set opposite the name of more than one candidate or is so placed as to render it doubtful to which candidate it is intended to apply; or

(c) the figure 1 and some other figures are set opposite the name of the same candidate; or

(d) there is any mark or writing by which the elector can be identified.

74. *Arrangement of valid ballot papers in parcels.*—After rejecting the ballot papers which are invalid, the returning officer shall—

(a) arrange the remaining ballot papers in parcels according to the first preference recorded for each candidate;

(b) count and record the number of papers in each parcel and the total number; and

(c) credit to each candidate the value of the papers in his parcel.

75. *Counting of votes where only one seat is to be filled.*—(1) At any election where only one seat is to be filled, every valid ballot paper shall be deemed to be of the value of 1 at each count, and the quota sufficient to secure the return of a candidate at the election shall be determined as follows :—

(a) add the values credited to all the candidates under clause (c) of rule 74;

(b) divide the total by 2; and

(c) add 1 to the quotient ignoring the remainder, if any and the resulting number is the quota.

(2) If, at the end of the first or any subsequent count, the total value of the ballot papers credited to any candidate is equal to, or greater than, the quota or there is only one continuing candidate, that candidate shall be declared elected.

(3) If, at the end of any count, no candidate can be declared elected, the returning officer shall—

(a) exclude from the poll the candidate who up to that stage has been credited with the lowest value;

(b) examine all the ballot papers in his parcel and sub-parcels, arrange the unexhausted papers in sub-parcels according to the next available preferences recorded thereon for the continuing candidates, count the number of papers in each such sub-parcel and credit it to

the candidate for whom such preference is recorded, transfer the sub-parcel to that candidate, and make a separate sub-parcel of all the exhausted papers; and

(c) see whether any of the continuing candidates has, after such transfer and credit, secured the quota.

(4) If, when a candidate has to be excluded under clause (a) of sub-rule (3), two or more candidates have been credited with the same value and stand lowest on the poll, the candidate for whom the lowest number of original votes are recorded shall be excluded, and if this number also is the same in the case of two or more candidates, the returning officer shall decide by lot which of them shall be excluded.

Counting of votes when more than one seat is to be filled

76. *Ascertainment of quota.*—At any election where more than one seat is to be filled, every valid ballot paper shall be deemed to be of the value of 100, and the quota sufficient to secure the return of a candidate at the election shall be determined as follows:—

(a) add the values credited to all the candidates under clause (c) of rule 74;

(b) divide the total by a number which exceeds by 1 the number of vacancies to be filled; and

(c) add 1 to the quotient ignoring the remainder, if any and the resulting number is the quota.

77. *General instruction.*—In carrying out the provisions of rules 78 to 82, the returning officer shall disregard all fractions and ignore all preferences recorded for candidates already elected or excluded from the poll.

78. *Candidates with quota elected.*—If at the end of any count or at the end of the transfer of any parcel or sub-parcel of an excluded candidate the value of ballot papers credited to a candidate is equal to, or greater than the quota, that candidate shall be declared elected.

79. *Transfer of surplus.*—(1) If at the end of any count the value of the ballot papers credited to a candidate is greater than the quota, the surplus shall be transferred, in accordance with the provisions of this rule, to the continuing candidates indicated on the ballot papers of that candidate as being next in order of the elector's preference.

(2) If more than one candidate have a surplus, the largest surplus shall be dealt with first and the others in order of magnitude:

Provided that every surplus arising on the first count shall be dealt with before those arising on the second count and so on.

(3) Where there are more surpluses than one to distribute and two or more surpluses are equal, regard shall be had to the original votes of each candidate and the candidate for whom most original votes are recorded shall have his surplus first distributed; and if the values of their original votes are equal, the returning officer shall decide by lot which candidate shall have his surplus first distributed.

(4) (a) If the surplus of any candidate to be transferred arises from original votes only, the returning officer shall examine all the papers in the parcel belonging to that candidate, divide the unexhausted papers into sub-parcels according to the next preferences recorded thereon and make a separate sub-paragraph of the exhausted papers.

(b) He shall ascertain the value of the papers in each sub-paragraph and of all the unexhausted papers.

(c) If the value of the unexhausted papers is equal to or less than the surplus, he shall transfer all the unexhausted papers at the value at which they were received by the candidate whose surplus is being transferred.

(d) If the value of the unexhausted papers is greater than the surplus, he shall transfer the sub-parcels of unexhausted papers, and the value at which each paper shall be transferred shall be ascertained by dividing the surplus by the total number of unexhausted papers.

(5) If the surplus of any candidate to be transferred arises from transferred as well as original votes, the returning officer shall re-examine all the papers in the sub-paragraph last transferred to the candidate, divide the unexhausted papers into sub-parcels according to the next preferences recorded thereon, and then deal with the sub-parcels in the same manner as is provided in the case of sub-parcels referred to in sub-rule (4).

(6) The papers transferred to each candidate shall be added in the form of a sub-paragraph to the papers already belonging to such candidate.

(7) All papers in the parcel or sub-paragraph of an elected candidate not transferred under this rule shall be set apart as finally dealt with.

80. *Exclusion of candidates lowest on the poll.*—(1) If after all surpluses have been transferred as hereinbefore provided, the number of candidates elected is less than the required number, the returning officer shall exclude from the poll the candidate lowest on the poll and shall distribute his unexhausted papers among the continuing candidates according to the next preferences recorded thereon; and any exhausted papers shall be set apart as finally dealt with.

(2) The papers containing original votes of an excluded candidate shall first be transferred, the transfer value of each paper being one hundred.

(3) The papers containing transferred votes of an excluded candidate shall then be transferred in the order of the transfers in which, and at the value at which, he obtained them.

(4) Each of such transfers shall be deemed to be a separate transfer but not a separate count.

(5) If, as a result of the transfer of papers, the value of votes obtained by a candidate is equal to or greater than the quota, the count then proceeding shall be completed but no further papers shall be transferred to him.

(6) The process directed by this rule shall be repeated on the successive exclusions one after another of the candidates lowest on the poll until such vacancy is filled either by the election of a candidate with the quota or as hereinafter provided.

(7) If at any time it becomes necessary to exclude a candidate and two or more candidates have the same value of votes and are the lowest on the poll, regard shall be had to the original votes of each candidate and the candidate for whom fewest original votes are recorded shall be excluded; and if the values of their original votes are equal the candidate with the smallest value at the earliest count at which these candidates had unequal values shall be excluded.

(8) If two or more candidates are lowest on the poll and each has the same value of votes at all counts the returning officer shall decide by lot which candidate shall be excluded.

81. *Filling the last vacancies.*—(1) When at the end of any count the number of continuing candidates is reduced to the number of vacancies remaining unfilled, the continuing candidates shall be declared elected.

(2) When at the end of any count only one vacancy remains unfilled and the value of the papers of some one candidate exceeds the total value of the papers of all the other continuing candidates together with any surplus not transferred, that candidate shall be declared elected.

(3) When at the end of any count only one vacancy remains unfilled and there are only two continuing candidates and each of them has the same value of votes and no surplus remains capable of transfer, the returning officer shall decide by lot which of them shall be excluded; and after excluding him in the manner aforesaid, declare the other candidate to be elected.

82. *Provision for re-counts.*—(1) Any candidate or, in his absence, his election agent or counting agent may, at any time during the counting of the votes, either before the commencement or after the completion of any transfer of votes (whether surplus or otherwise), request the returning officer to re-examine and re-count the papers of all or any candidates (not being papers set aside at any previous transfer as finally dealt with), and the returning officer shall forthwith re-examine and re-count the same accordingly.

(2) The returning officer may in his discretion re-count the votes either once or more than once in any case in which he is not satisfied as to the accuracy of any previous count:

Provided that nothing in this sub-rule shall make it obligatory on the returning officer to re-count the same votes more than once.

83. *Illustration of the procedure as to the counting of votes under this Part.*—An illustration of the procedure as to the counting of votes in accordance with the provisions of this Part is given in the Schedule to these Rules.

84. *Return by returning officers.*—(1) Upon the completion of counting the returning officer shall—

(a) prepare and certify a return of the election in Form 23;

(b) permit any candidate or his election agent or counting agent to take a copy of, or extract from, such return.

(2) The returning officer shall seal up in separate packets the valid and the rejected ballot papers and shall also seal up the packets containing the declarations by electors and the attestations of their signatures and record on each such packet the description of its contents and the date of election to which it refers.

(3) The returning officer shall, after reporting the result of the election under section 67, send signed copies of the return to the Election Commission and chief electoral officer.

85. *Grant of certificate of election to returned candidate.*—As soon as may be after a candidate has been declared to be elected, the returning officer shall grant to such candidate a certificate of election in Form 24 and obtain from the candidate an acknowledgement of its receipt duly signed by him and immediately send the acknowledgement by registered post to the Secretary of the Council of States or, as the case may be, the Secretary of the Legislative Council.

PART VIII*Election Expenses*

86. *Particulars of account of election expenses.*—(1) The account of election expenses to be kept by a candidate or his election agent under section 77 shall contain the following particulars in respect of each item of expenditure from day to day, namely:—

(a) the date on which the expenditure was incurred or authorised;

(b) the nature of the expenditure (as for example, travelling, postage or printing and the like);

(c) the amount of the expenditure—

(i) the amount paid;

(ii) the amount outstanding;

(d) the date of payment;

(e) the name and address of the payee;

(f) the serial number of vouchers, in case of amount paid;

(g) the serial number of bills if any, in case of amount outstanding;

(h) the name and address of the person to whom the amount outstanding is payable.

(2) A voucher shall be obtained for every item of expenditure unless from the nature of the case, such as postage, travel by rail and the like, it is not practicable to obtain a voucher.

(3) All vouchers shall be lodged along with the account of election expenses, arranged according to the date of payment and serially numbered by the candidate or his election agent and such serial numbers shall be entered in the account under item (f) of sub-rule (1).

(4) It shall not be necessary to give the particulars mentioned in item (e) of sub-rule (1) in regard to items of expenditure for which vouchers have not been obtained under sub-rule (2).

87. *Notice by returning officer for inspection of accounts.*—The returning officer shall, within two days from the date on which the account of election expenses has been lodged by a candidate under

section 78, cause a notice to be affixed to his notice board, specifying—

- (a) the date on which the account has been lodged;
- (b) the name of the candidate; and
- (c) the time and place at which such account can be inspected.

88. *Inspection of account and the obtaining of copies thereof.*—Any person shall on payment of a fee of one rupee be entitled to inspect any such account and on payment of such fee as may be fixed by the Election Commission in this behalf, be entitled to obtain attested copies of such account or of any part thereof.

89. *Report by the returning officer as to the lodging of the account of election expenses and the decision of the Election Commission thereon.*—(1) As soon as may be after the expiration of the time specified in section 78 for the lodging of the accounts of election expenses at any election, the returning officer shall report to the Election Commission—

- (a) the name of each contesting candidate;
- (b) whether such candidate has lodged his account of election expenses and if so, the date on which such account has been lodged; and
- (c) whether in his opinion such account has been lodged within the time and in the manner required by the Act and these rules.

(2) Where the returning officer is of the opinion that the account of election expenses of any candidate has not been lodged in the manner required by the Act and these rules, he shall with every such report forward to the Election Commission the account of election expenses of that candidate and the vouchers lodged along with it.

(3) Immediately after the submission of the report referred to in sub-rule (1) the returning officer shall publish a copy thereof by affixing the same to his notice board.

(4) As soon as may be after the receipt of the report referred to in sub-rule (1) the Election Commission shall consider the same and decide whether any contesting candidate has failed to lodge the account of election expenses within the time and in the manner required by the Act and these rules.

(5) The Election Commission shall notify in the Official Gazette the names of contesting candidates who according to its decision have failed to lodge accounts of their election expenses within the time and in the manner required by the Act and these rules and shall also inform every such candidate of the decision.

(6) Any contesting candidate whose name has been notified under sub-rule (4) may submit a representation in writing to the Election Commission for the removal of the disqualification incurred by him under clause (c) of section 7 with an explanation as to why the default was made in lodging the account of election expenses within the time and in the manner required by the Act and these rules.

(7) Every such candidate shall at the same time send to the returning officer a copy of the representation and, if he has not already done so, an account of election expenses as required by the Act and these Rules.

(8) The returning officer shall within five days of the receipt thereof forward to the Election Commission the copy of the representation and the account (if any) with such comments as he wishes to make thereon.

(9) The Election Commission shall, after considering the representation submitted by the candidate and the comments made by the returning officer and after such inquiry as it thinks fit, decide whether or not the disqualification incurred by the candidate under clause (c) of section 7 should be removed.

90. *Maximum election expenses.*—(1) The total of the expenditure of which account is to be kept under section 77 and which is incurred in connection with an election in any one Parliamentary constituency shall not exceed—

(a) Rs. 25,000, in the case of a constituency in any State; and

(b) Rs. 10,000, in the case of a constituency in any Union Territory.

(2) The total of the expenditure of which account is to be kept under section 77 and which is incurred in connection with an election in any one Assembly constituency shall not exceed the amount specified in respect of that constituency in the following table:—

State	Amount Rs.
Andhra Pradesh	7,000
Assam	6,000
Bihar	8,000
Gujarat	8,000
Kerala	7,000
Madhya Pradesh	7,000
Madras	9,000
Maharashtra	8,000
Mysore	6,000
Orissa	7,000
Punjab	7,000
Rajasthan	6,000
Uttar Pradesh	9,000
West Bengal	7,000

PART IX

Miscellaneous

91. *Resignation of seats in case of election to more seats than one in a House.*—(1) The time within which a person may resign all but one of the seats in either House of Parliament or in the House or either House of the Legislature of a State, to which he has been elected shall be—

(a) fourteen days from the date of his election under section 67A; or

(b) where the dates of his election are different in respect of different seats, fourteen days from the last of those dates.

(2) Such resignation shall be addressed—

(a) to the Speaker or the Chairman of the House concerned; or

(b) where the office of the Speaker or Chairman is for the time being vacant or is, or is deemed to be, in abeyance, to the Deputy Speaker or the Deputy Chairman of the House concerned; or

(c) where the post of the Deputy Speaker or Deputy Chairman is also for the time being vacant or is, or is deemed to be, in abeyance, to the Election Commission.

(3) Where the resignation has been addressed to the Election Commission under sub-rule (2) the Election Commission shall, as soon as may be after the receipt of the resignation, send a copy thereof to the Secretary of the House concerned.

92. *Custody of ballot boxes and papers relating to election.*—(1) All ballot boxes used at an election shall be kept in such custody as the chief electoral officer may direct.

(2) The returning officer shall keep in safe custody the packets of unused ballot papers, the packets of used ballot papers whether valid, tendered or rejected, and all other papers relating to the election.

93. *Production and inspection of election papers.*—(1) While in the custody of the returning officer—

(a) the packets of unused ballot papers;

(b) the packets of used ballot papers whether valid, tendered or rejected;

(c) the packets of the marked copy of the electoral roll or, as the case may be, the list maintained under sub-section (1) or sub-section (2) of section 152; and

(d) the packets of the declarations by electors and the attestation of their signatures;

shall not be opened and their contents shall not be inspected by, or produced before, any person or authority except under the order of a competent court or tribunal.

(2) All other papers relating to the election shall be open to public inspection subject to such conditions and to the payment of such fee, if any, as the Election Commission may direct.

(3) Copies of the returns by the returning officer forwarded under rule 64 or as the case may be, under sub-rule (3) of rule 84 shall be furnished by the chief electoral officer of the State concerned on payment of a fee of two rupees for each such copy.

95. *Disposal of election papers.*—Subject to any direction to the contrary given by the Election Commission or by a competent court or tribunal—

(a) the packets of unused ballot papers shall be retained for a period of six months and shall thereafter be placed at the disposal of the chief electoral officer;

(b) the other packets referred to in sub-rule (1) of rule 93 shall be retained for a period of one year and shall thereafter be destroyed;

(c) all other papers relating to the election shall be retained for such period as the Election Commission may direct.

95. *Intimation of appeals, stay orders, etc., to the Election Commission.*—

(1) Where an appeal is preferred against an order made by a tribunal under clause (b) of section 98 or where in such appeal an application is made under sub-section (4) of section 116A for staying the operation of the order appealed from the appellant shall forthwith send to the Election Commission intimation thereof together with a copy of the memorandum of appeal or of the application, as the case may be.

(2) Where the operation of an order made by a tribunal under clause (b) of section 98 is stayed by a High Court under sub-section (4) of section 116A, whether provisionally or until the disposal of the appeal, a copy of the stay order shall immediately be sent by the High Court to the Election Commission.

(3) Where any appeal from an order made by a tribunal is decided by the High Court, it shall immediately intimate the substance of the decision to the Election Commission and, as soon as may be thereafter, shall send to the Election Commission an authenticated copy of the decision and upon receipt thereof the Election Commission shall forward copies of the decision to the appropriate authority and to

the Speaker or Chairman of the House concerned and shall cause the decision to be published in the Official Gazette or Gazettes in which the order appealed from was published under section 106.

96. *List of members of State Assemblies and electoral colleges.*—(1) The returning officer for an election by the members of the Legislative Assembly of a State to fill a seat or seats in the Council of States or in the Legislative Council of a State, shall maintain a list of members of that Assembly with their addresses corrected up-to-date in such form as the Election Commission may direct.

Explanation.—In this sub-rule any reference to the members of the Legislative Assembly of a State shall, in relation to an election to the Council of States, be construed as a reference to the elected members of that Legislative Assembly.

(2) The returning officer for an election by the members of the electoral college of a union territory to fill a seat or seats in the Council of States shall maintain a list of members of that electoral college with their addresses corrected up-to-date in such form as the Election Commission may direct.

97. *Number of votes sufficient to secure the return of a candidate in relation to return of forfeiture of deposits in certain cases.*—For the purposes of the proviso to sub-section (4) of section 158—

(a) a candidate who is not elected shall be deemed to get,—

(i) if he is a continuing candidate, the votes obtained by him at the end of the final count, and

(ii) if he is a candidate excluded from the poll, the votes obtained by him at the end of the count immediately preceding his exclusion;

(b) the quota referred to in rule 75 or rule 76 shall be deemed to be the number of votes sufficient to secure the return of a candidate.

98. *Manner of serving the order of requisition of premises, vehicles, etc.*—An order of requisition under section 160 shall be served—

(a) where the person to whom such order is addressed is a corporation or firm, in the manner provided for the service of summons in rule 2 of Order XXIX or rule 3 of Order XXX, as the case may be, in the First Schedule to the Code of Civil Procedure, 1908 (Act V of 1908); and

(b) where the person to whom such order is addressed is an individual—

(i) personally by delivering or tendering the order, or

(ii) by registered post, or

(iii) if the person cannot be found, by leaving an authentic copy of the order with any adult member of his family or by affixing such copy to some conspicuous part of the premises in which he is known to have last resided or carried on business or personally worked for gain.

99. *Time for application for reference to arbitration under section 161.*—The time within which any person interested who is aggrieved by the amount of compensation determined under sub-section (1) of section 168 or within which the owner of a vehicle, vessel or animal who is aggrieved by the amount of compensation determined under sub-section (2) of that section, may make an application for referring the matter to arbitration shall be fourteen days from the date of determination of the amount of such compensation or where the amount of such compensation has been determined in the absence of the person interested or, as the case may be, the owner, fourteen days from the date on which the intimation of such determination is sent to that person or owner.

FORM 1

Notice of Election

(See rule 3)

Election to.....

Notice is hereby given that—

- (1) an election is to be held of
- (2) forms of nomination paper may be obtained at the offices of the officers specified in paragraph 6 between the hours of..... and.....from.....(date) to.....(date).
- (3) nomination papers may be delivered between the hours of 11 in the morning and 3 in the afternoon by a candidate or his proposer to any of the officers specified in paragraph 6 at his office on any day not later than the.....day of.....
- (4) the nomination papers will be taken up for scrutiny at.....(hours) on.....(date) at.....(place).
- (5) notice of withdrawal of candidature may be delivered by a candidate, his proposer or election agent to anyone of the officers specified in paragraph 6 at his office before 3 p.m. on.....
- (6) nomination papers and notices of withdrawal may be delivered to any of the officers specified in the first column of the following table at his office specified in the corresponding entry in the second column of the table:—

TABLE

Designation of officer	Location of office
1	2
1. Returning Officer.	
2. Assistant Returning Officer.	

- (7) in the event of the election being contested, the poll will take place on.... between the hours of..... and.....

Date.....

Place.....

Returning Officer,
.....constituency.

*Here appropriate particulars of the election are to be inserted .

FORM 2A

Nomination Paper

(See rule 4)

Election to the House of the People

(To be filled by the proposer)

I hereby nominate.....as a candidate
for election from the.....Parliamentary constituency.

1. Full name of proposer.....

2. *Electoral roll number of proposer.....

3. Name of candidate's **father/husband.....

4. Full postal address of candidate.....

5. *Electoral roll number of candidate.....

Date.....

Signature of proposer.

(To be filled by the candidate)

I, the above-mentioned candidate, assent to this nomination and hereby declare—

(a) that I have completed.....years of age;

(b) that the symbols I have chosen are in order of preference

(i)

(ii)and

(iii)

Date.....

Signature of candidate

Further declaration to be made by a scheduled caste or a scheduled tribe candidate.

I hereby declare that I am a member of the.....**caste/tribe
which is a scheduled caste/tribe of the State of.....
in relation to.....(area) in that State.

Date.....

Signature of candidate.

*Here insert—

(i) the name of the parliamentary constituency;

(ii) the name of the component assembly or electoral college constituency in
the electoral rolls of which the name of the proposer or the candidate
as the case may be, has been entered;

(iii) the serial number of the part of the electoral roll in which such entry
occurs; and

(iv) the serial number of the entry in that part.

Illustration—

Lucknow Parliamentary constituency;

Lucknow City East Assembly constituency;

Part 7;

No. 358.

**Strike off one of the alternatives as necessary.

(To be filled by the returning officer)

Serial No. of nomination paper.....

This nomination was delivered to me at my office at.....
(hour) on.....(date) by the **candidate/proposer.

Date.....

Returning Officer.

Decision of Returning Officer Accepting or Rejecting the Nomination Paper

I have examined this nomination paper in accordance with section 36 of the Representation of the People Act, 1951, and decide as follows:—

Date.....

Returning Officer.

Receipt for Nomination Paper and Notice of Scrutiny

(To be handed over to the person presenting the nomination paper)

Serial No. of nomination paper.....

The nomination paper of.....a candidate for election from the.....Parliamentary constituency, was delivered to me at my office at.....(hour) on.....(date) by the **candidate/proposer. All nomination papers will be taken up for scrutiny at.....(hour) on.....(date) at.....(place).

Date.....

Returning Officer.

**Strike off one of the alternatives as necessary.

FORM 2B
Nomination Paper
(See rule 4)

Election to the Legislative Assembly of..... (State)

(To be filled by the proposer)

I hereby nominate..... as a candidate for
election from the..... Assembly constituency.

1. Full name of proposer.....
2. *Electoral roll number of proposer.....
3. Name of candidate's **father/husband.....
4. Full postal address of candidate.....
5. *Electoral roll number of candidate.....

Date.....

Signature of proposer.

(To be filled by the candidate)

I, the above-mentioned candidate, assent to this nomination and hereby declare--

- (a) that I have completed..... years of age;
- (b) that the symbols I have chosen are in order of preference

- (i)
- (ii)and
- (iii)

Date.....

Signature of candidate.

Further declaration to be made by a scheduled caste or a scheduled tribe candidate.

I hereby declare that I am a member of the..... **caste/tribe which
is a scheduled **caste/tribe of the State of.....
in relation to..... (area) in that State.

Date.....

Signature of candidate.

(To be filled by the returning officer)

Serial No. of nomination paper.....

This nomination was delivered to me at my office at.....
(hour) on..... (date) by the **candidate/proposer.

Date.....

Returning Officer.

*Here insert--

- (i) the name of the assembly constituency;
- (ii) the serial number of the part of the electoral roll in which the name of the proposer or the candidate, as the case may be, has been entered; and
- (iii) the serial number of the entry in that part.

Illustration--

Lucknow City East Assembly constituency;
Part 7;
No. 358.

**Strike off one of the alternatives as necessary.

Decision of Returning Officer Accepting or Rejecting the Nomination Paper

I have examined this nomination paper in accordance with section 36 of the Representation of the People Act, 1951, and decide as follows:—

Date.....

Returning Officer.

Receipt for Nomination Paper and Notice of Scrutiny

(To be handed over to the person presenting the nomination paper)

Serial No. of nomination paper.....

The nomination paper of.....a candidate for election from the.....assembly constituency, was delivered to me at my office at.....(hour) on.....(date) by the **candidate/proposer. All nomination papers will be taken up for scrutiny at.....(hour) on.....(date) at.....(place).

Date.....

Returning Officer.

**Strike off one of the alternatives as necessary.

FORM 2C

Nomination Paper

(See rule 4)

Election to the Council of States

(To be filled by the proposer)

I hereby nominate.....as a candidate for election to the Council of States.

1. Full name of proposer.....
2. Serial number of proposer in the list maintained under section 152.....
3. Name of candidate's **father/husband.....
4. Full postal address of candidate.....
5. *Electoral roll number of candidates in parliamentary constituency.....

Date.....

Signature of proposer.

(To be filled by the candidate)

I, the above-mentioned candidate, assent to this nomination and hereby declare that I have completed.....years of age.

Date.....

Signature of candidate.

(To be filled by the returning officer)

Serial No. of nomination paper.....

This nomination was delivered to me at my office at.....
(hour) on.....(date) by the **candidate/proposer.

Date.....

Returning Officer.

Decision of Returning Officer Accepting or Rejecting the Nomination Paper

I have examined this nomination paper in accordance with section 36 of the Representation of the People Act, 1951, and decide as follows:—

Date.....

Returning Officer.

Receipt for Nomination Paper and Notice of Scrutiny

(To be handed over to the person presenting the nomination paper)

Serial No. of nomination paper.....

The nomination paper of.....a candidate for election to the Council of States by the **elected members of the Legislative Assembly of.....(State)/members of the Electoral College of.....(State) was delivered to me at my office at.....
(hour) on.....(date) by the **candidate/proposer. All nomination papers will be taken up for scrutiny at.....(hour) on.....(date) at.....(place).

Date.....

Returning Officer.

*Here insert—

- (i) the name of the parliamentary constituency;
- (ii) the name of the component assembly or electoral college constituency in the electoral rolls of which the name of the candidate has been entered;
- (iii) the serial number of the part of the electoral roll in which such entry occurs; and
- (iv) the serial number of the entry in that part.

Illustration—

Lucknow Parliamentary constituency;
Lucknow City East Assembly constituency;
Part 7;
No. 358

**Strike off one of the alternatives as necessary.

FORM 2D

Nomination Paper

(See rule 4)

Election to the Legislative Council of..... (State) by the
Members of the Legislative Assembly

(To be filled by the proposer)

I hereby nominate..... as a candidate for
the above election.

1. Full name of proposer.....
2. Serial number of proposer in the list maintained under section 152.....
3. Name of candidate's **father/husband.....
4. Full postal address of candidate.....
5. *Electoral roll number of candidate in assembly constituency.....

Date.....

Signature of proposer.

(To be filled by the candidate)

I, the above-mentioned candidate, assent to this nomination and hereby declare that
I have completed..... years of age.

Date.....

Signature of candidate.

(To be filled by the returning officer)

Serial No. of nomination paper.....

This nomination was delivered to me at my office at.....
(hour) on..... (date) by the **candidate/proposer.

Date.....

Returning Officer.

Decision of Returning Officer Accepting or Rejecting the Nomination Paper

I have examined this nomination paper in accordance with section 36 of the
Representation of the People Act, 1951, and decide as follows:—

Date.....

Returning Officer.

Receipt for Nomination Paper and Notice of Scrutiny

(To be handed over to the person presenting the nomination paper)

Serial No. of nomination paper.....

The nomination paper of..... a candidate for
election to the Legislative Council of..... (State) by the
members of the Legislative Assembly was delivered to me at my office at.....
(hour) on..... (date) by the **candidate/proposer. All nomination
papers will be taken up for scrutiny at..... (hour) on.....
(date) at..... (place).

Date.....

Returning Officer.

***Here insert—**

- (i) the name of the assembly constituency;
- (ii) the serial number of the part of the electoral roll in which the name of the
candidate has been entered; and
- (iii) the serial number of the entry in that part.

Illustration—

Lucknow City East Assembly constituency;
Part 7;
No. 558;

**Strike off one of the alternatives as necessary.

FORM 2E
Nomination Paper
(See rule 4)

Election to the Legislative Council of—.....(State) from a
Council Constituency

(To be filled by the proposer)

I, hereby nominate.....as a candidate
for election to the Legislative Council of.....(State) from
the.....constituency.

1. Full name of proposer.....
2. *Electoral roll number of proposer in the council constituency.....
3. Name of candidate's **father/husband.....
4. Full postal address of candidate.....
5. ***Electoral roll number of candidate in assembly constituency.....

Date.....

Signature of proposer.

(To be filled by the candidate) I

I, the above-mentioned candidate, assent to this nomination and hereby declare that
I have completed.....years of age.

Date.....

Signature of candidate.

(To be completed by the returning officer)

Serial No. of nomination paper.....

This nomination was delivered to me at my office at.....
(hour) on.....(date) by the **candidate/proposer.

Date.....

Returning Officer.

Decision of Returning Officer Accepting or Rejecting the Nomination Paper.

I have examined this nomination paper in accordance with section 36 of the Representa-
tion of the People Act, 1951, and decide as follows:—

Date.....

Returning Officer.

Receipt for Nomination Paper and Notice of Scrutiny

(To be handed over to the person presenting the nomination paper)

Serial No. of nomination paper.....

* The nomination paper of.....a candidate for
election to the Legislative Council of.....(State) from the
.....**Graduates'/Teachers'/Local Authorities' constituency
was delivered to me at my office at.....(hour) on.....
(date) by the **candidate/proposer. All nomination papers will be taken up for scrutiny
at.....(hour).....(date)
at.....(place).

Date.....

Returning Officer.

*Here insert—

- (i) the name of the Council constituency;
- (ii) the serial number of the part of electoral roll in which the name of the proposer
has been entered; and
- (iii) the serial number of the entry in that part.

Illustration—

Uttar Pradesh East (teachers') constituency;
Part 5;
No. 158.

* Strike off one of the alternatives as necessary.

***Here insert—

- (i) the name of the assembly constituency;
- (ii) the serial number of the part of the electoral roll in which the name of the
candidate has been entered; and
- (iii) the serial number of the entry in that part.

Illustration—

Lucknow City East assembly constituency;
Part 7;
No. 358.

Form 3A

Notice of Nomination

(See rule 7)

Election to the *House of the People/Legislative Assembly from the.....constituency.

Notice is hereby given that the following nominations in respect of the above election have been received upto 3 P.M. today:—

Serial number of nomination paper	Name of candidate	Name of *father/ husband	Age of candidate	Address	Particulars of cast or tribe for candidates belonging to scheduled castes or scheduled tribes	Electoral roll number of candidate	Name of proposer	Electoral roll number of proposer
1	2	3	4	5	6	7	8	9

Place.....

Date.....

Returning Officer

*Strike off the inappropriate alternative.

FORM 3B
Notice of Nomination
 (See rule 7)

Election to the [Council of States/Legislative Council] by the [elected] members of the Legislative Assembly/Electoral College of.....

Notice is hereby given that the following nominations in respect of the above election have been received up to 3 P.M. today :—

Serial number of nomination paper	Name of candidate	Name of *father/ husband	Age of candidate	Address	Electoral roll number of candidate	Name of proposer	Serial number of proposer in list maintained under section 152
1	2	3	4	5	6	7	

Place.....

Date.....

Returning Officer.

N.B.—Omit the words marked [] as necessary.

*Strike off the inappropriate alternative.

FORM 3C

Notice of Nomination

(See rule 7)

Election to the Legislative Council of.....(State) from the.....constituency.

Notice is hereby given that the following nominations in respect of the above election have been received upto 3 P.M. today :—

Serial number of nomination paper	Name of candidate	Name of *father/ husband	Age of candidate	Address	Electoral roll number of candidate in Assembly constituency	Name of proposer	Electoral roll number of proposer in the Council constituency
1	2	3	4	5	6	7	8

Place.....

Date.....

Returning Officer.

*Strike off the inappropriate alternative.

FORM 4

List of Validly Nominated Candidates.

(See rule 8)

Election to the*

Serial number	Name of candidate	Name of **father/husband	Address of candidate
1	2	3	4

Place

Date

Returning Officer. .

*Appropriate particulars of the election to be inserted here.

**Strike off the inappropriate alternative

FORM 5

Notice of Withdrawal

[See rule 9 (1)]

Election to the*

To

The Returning Officer,

I, a candidate nominated at the above election
do hereby give notice that I withdraw my candidature.

Place

Date

Signature of candidate.

This notice was delivered to me at my office at (hour) on
..... (date) by (name), the†

Date

Returning Officer.

Receipts for Notice of Withdrawal

(To be handed over to the person delivering the notice)

The notice of withdrawal of candidature by a candidate
at the election to the* was delivered to me by the†
at my office at (hour) on (date).

Returning Officer.

*Here insert one of the following alternatives as may be appropriate:—

- (1) House of the People from the constituency.
- (2) Legislative Assembly from the constituency.
- (3) Council of States by the elected members of the Legislative Assembly of
..... (State).†
- (4) Council of States by the members of the electoral college of (Union
Territory).
- (5) Legislative Council by the members of the Legislative Assembly.
- (6) Legislative Council from the constituency.

†Here insert one of the following alternatives as may be appropriate:—

- (1) Candidate.
- (2) Candidate's proposer who has been authorized in writing by the candidate to deliver it.
- (3) Candidate's election agent who has been authorized in writing by the candidate to deliver it.

FORM 6

Notice of Withdrawal of Candidature

[See rule 9 (2)]

Election to the*.....

Notice is hereby given that the following †candidate/candidates at the above election withdrew † his candidature/their candidatures today.

<i>Name of candidate</i>	<i>Address of candidate</i>	<i>Remarks.</i>
1.		
2.		
3.		
etc.		

Date

Returning Officer.

*Appropriate particulars of the election to be inserted here.

†Strike off the inappropriate alternative.

FORM 7A

List of Contesting Candidates

[See rule 10 (1)]

Election to the House of the People/Legislative Assembly.
from the.....constituency.

Serial number	Name of candidate	Address of candidate	Symbol allotted
1	2	3	4
1.			
2.			
3.			
4.			
etc.			

Place

Date

Returning Officer.

FORM 7B

List of Contesting Candidates

[See rule 10(1)]

Election to the*

Serial number	Name of candidate	Address of candidate
1	2	3
1.		
2.		
3.		
4.		
etc.		

Place

Date

Returning Officer.

*Here insert one of the following alternatives as may be appropriate:—

- (1) Council of States by the elected members of the Legislative Assembly of
.....(State).
- (2) Council of States by the members of the electoral college.....(Union
Territory).
- (3) Legislative Council of.....(State) by the members of the Legisla-
tive Assembly.
- (4) Legislative Council of.....(State), from the.....
(constituency.)

FORM 8

Appointment of Election Agent

[See rule 12(1)]

Election to the*.....

To

The Returning Officer, -

I,.....of.....a candidate at the above election
do hereby.....of.....as my election agent
in the above election.

Place

Date

Signature of candidate.

I accept the above appointment.

Place

Date

[Signature of election agent]

*Here insert one of the following alternatives as may be appropriate:—

- (1) House of the People from the.....constituency.
- (2) Legislative Assembly from the.....constituency.
- (3) Council of States by the elected members of the Legislative Assembly of.....
.....(State).
- (4) Council of States by the members of the electoral college of.....(Union Territory).
- (5) Legislative Council by the members of the Legislative Assembly.
- (6) Legislative Council from the.....constituency.

FORM 9

Revocation of Appointment of Election Agent

[See rule 12(2)]

Election to the*.....

To :

The Returning Officer,

I,.....a candidate at the above election, hereby revoke
the appointment of.....my election agent.

Place.....

Date

Signature of candidate.

*Here insert one of the following alternatives as may be appropriate:—

- (1) House of the People from the..... constituency.
- (2) Legislative Assembly from the..... constituency.
- (3) Council of States by the elected members of the Legislative Assembly of.....
.....(State).
- (4) Council of States by the members of the electoral college of..... (Union
Territory).
- (5) Legislative Council by the members of the Legislative Assembly.
- (6) Legislative Council from the..... constituency.

FORM 10

**Appointment of Polling Agent*

[(See rule 13(2))]

Election to the**.....

I..... a † candidate/the election agent of.....
 who is a candidate at the above election do hereby appoint..... of
 as a polling agent to attend † polling station No..... at
 place fixed for the poll..... at.....
 Place.....
 Date.....

Signature of † candidate/election agent.

I agree to act as such polling agent.

Place.....
 Date.....

Signature of polling agent.

Declaration of polling agent to be signed before Presiding Officer

I hereby declare that at the above election I will not do anything forbidden by section 128† of the Representation of the People Act, 1951, which † I have read/has been read over to me.

Date.....
 Signed before me.
 Date.....

Signature of polling agent,

Presiding Officer.

*To be handed over to the polling agent for production at the polling station or at the place fixed for the poll.

**Here insert one of the following alternatives as may be appropriate:—

- (1) House of the People from the.....constituency.
- (2) Legislative Assembly from the.....constituency.
- (3) Council of States by the elected members of the Legislative Assembly of.....
(State). ‡
- (4) Council of States by the members of the electoral college of....
 (Union Territory).
- (5) Legislative Council by the members of the Legislative Assembly.
- (6) Legislative Council from the.....constituency.

†Strike off the inappropriate alternative.

‡Section 128 of the Representation of the People Act, 1951:—

“128. *Maintenance of secrecy of voting.*—(1) Every officer, clerk, agent or other person who performs any duty in connection with the recording or counting of votes at an election shall maintain, and aid in maintaining the secrecy of the voting and shall not (except for some purpose authorised by or under any law) communicate to any person any information calculated to violate such secrecy.

(2) Any person who contravenes the provisions of sub-section (1) shall be punishable with imprisonment for a term which may extend to three months or with fine or with both.”

FORM II

Revocation of Appointment of Polling Agent

[See rule 14(1)]

Election to the*.....

To

The Presiding Officer.

I,[the election agent of.....] a candidate at the above
election, hereby revoke the appointment of.....my/his polling agent.

Place.....

Date.....

Signature of person revoking.

*Here insert one of the following alternatives as may be appropriate :—

(1) House of the People from theconstituency.

(2) Legislative Assembly from theconstituency.

(3) Council of States by the elected members of the Legislative Assembly of
.....(State).

(4) Council of States by the members of the electoral college of.....
(Union Territory)

(5) Legislative Council by the members of the Legislative Assembly.

(6) Legislative Council from the constituency.

N.B.—Omit the words marked [] as necessary.

FORM 12

Letter of intimation to Returning Officer

(See rules 19 and 20)

To

The Returning Officer,
Constituency.

Sir,]

I intend to cast my vote by post at the ensuing election to the.....
Legislative Assembly from.....Constituency. §
House of the People

My name has been included in the electoral roll at the following address :—

.....

The ballot paper may be sent to me at the following address :—

.....

Yours faithfully,

Place

Date].....

.....

FORM 13A

Declaration by Elector

[See rule 23(1)(a)]

Election to the*.....

(This side is to be used only when the elector signs the declaration himself.)

I hereby declare that I am the elector to whom the postal ballot paper bearing serial number.....has been issued at the above election.

Date

Signature of elector.

Address

Attestation of signature

The above has been signed in my presence by(elector) who** is personally known to me/has been identified to my satisfaction by (identifier) who is personally known to me.

Signature of Identifier, if any

Address

Signature of Attesting Officer

Designation

Address

Date

(This side is to be used when the elector cannot sign himself.)

I hereby declare that I am the elector to whom the postal ballot paper bearing serial number.....has been issued at the above election.

Date

Signature of Attesting Officer on behalf of elector.

Address of Elector.....

CERTIFICATE

I hereby certify that—

- (1) the above named elector **is personally known to me/has been identified to my satisfaction by (identifier) who is personally known to me;
- (2) I am satisfied that the elector **is illiterate/suffers from (infirmary) and is unable to record his vote himself or sign his declaration;

*Here insert one of the following alternatives as may be appropriate—

- (1) House of the People from the constituency.
- (2) Legislative Assembly from the constituency.
- (3) Council of States by the elected members of the Legislative Assembly of (State).
- (4) Council of States by the members of the electoral college of (Union Territory).
- (5) Legislative Council by the members of the Legislative Assembly.
- (6) Legislative Council from the constituency.

**Strike off the inappropriate alternative.

(3) I was requested by him to mark the ballot paper and to sign the above declaration on his behalf; and

(4) the ballot paper was marked and the declaration signed by me on his behalf, in his presence and in accordance with his wishes.

Signature of identifier, if any.....

Address

Signature of Attesting Officer.....

Designation

Address

Date

FORM 13B

Cover

[See Rule 23(1)(b)]

A**NOT TO BE OPENED BEFORE COUNTING****ELECTION**

to the*.....

POSTAL BALLOT PAPER

Serial number of ballot paper.....

*Appropriate particulars of the election to be inserted here.

FORM 13C

*Cover**(To be used at an election to the House of the People or the Legislative Assembly of a State).*

[See rule 23(1)(c)]

COVER B	<p>["Every officer under whose care or through whom a postal ballot paper is sent shall ensure its delivery to the addressee without delay—Rule 23(4) of the Conduct of Elections Rules, 1961"]</p> <p style="text-align: center;">ELECTION—IMMEDIATE</p> <hr style="width: 50%; margin: auto;"/> <p style="text-align: center;">POSTAL BALLOT PAPER</p> <p style="text-align: center;">For*..... Constituency (NOT TO BE OPENED BEFORE COUNTING)</p> <p style="text-align: center;">To The Returning Officer</p> <p>Signature **.....</p> <p>of sender</p>	SERVICE UNPAID
--------------------	---	---------------------------

*Returning Officer to insert here the name of the appropriate Parliamentary/Assembly Constituency.

**Returning Officer to mention here his full postal address.

FORM 13C

Cover

(To be used at an election to the Council of States or to the Legislative Council of a State)

[See rule 23(1)(c)]

B		NOT TO BE OPENED BEFORE COUNTING	
ELECTION—IMMEDIATE		*	
POSTAL BALLOT PAPER			
The Returning Officer,			
**			
.....			
.....			

*Insert here Council of States or name of the Legislative Council or the appropriate Electoral College.

**Full postal address of the Returning Officer to be inserted here.

FORM 13D

INSTRUCTIONS FOR THE GUIDANCE OF ELECTORS

[See rule 23 (1)(d)]

(To be used at an election to the House of the People or to the Legislative Assembly of a State.)

Election to the *.....from theconstituency

The persons whose names are printed on the ballot paper sent herewith are candidates at the above election. If you desire to vote, you should record your vote in accordance with the directions given in Part I below and then follow the instructions detailed in Part II.

Part I—Directions to electors.

1. The number of members to be elected is one.
2. You have only one vote.
3. You must not vote for more than one candidate. If you do, your ballot paper will be rejected.
4. Record the vote by placing clearly a mark opposite the name of the candidate to whom you wish to give that vote.
5. The mark should be so placed as to indicate clearly and beyond doubt to which candidate you are giving your vote. If the mark is so placed as to make it doubtful to which candidate you have given the vote, that vote will be invalid.
6. An elector shall obtain the attestation of his signature on the declaration in Form 13A by a stipendiary magistrate, or

- (a) if he is a member of the armed forces of the Union, or is employed under the Government of India in post outside India, by such officer as may be appointed in this behalf by the Commanding Officer of the unit, ship or establishment in which the voter or her husband, as the case may be, is employed or such officer as may be appointed in this behalf by the diplomatic or consular representative of India in the country in which such voter is resident;
- (b) if he holds an office declared by the President to be an office to which the provisions of sub-section (4) of section 20 of the Representation of the People Act, 1950, apply, by an officer not below the rank of a Deputy Secretary to Government;
- (c) if he is on election duty, by any gazetted officer; and
- (d) if he is under preventive detention, by the Superintendent of the jail or the Commandant of the detention camp in which he is under detention.

Part II—Instructions for electors.

(a) After you have recorded your vote on the ballot paper, place the ballot paper in the smaller cover marked 'A' sent herewith. Close the cover and secure it by seal or otherwise.

(b) You have then to sign the declaration in Form 13A also sent herewith, in the presence of a stipendiary magistrate or any other officer competent to attest your signature (See direction 6 above). Take the declaration to any such officer and sign it in his presence after he has been satisfied about your identity. The officer will attest your signature and return the declaration to you. You must not show your ballot paper to the attesting officer nor tell him how you have voted.

*Appropriate particulars of the election to be inserted here.

(c) If you are unable to mark the ballot paper and sign the declaration yourself in the manner indicated above by reason of illiteracy, blindness or other infirmity, you are entitled to have your vote marked and the declaration signed on your behalf by any officer referred to in item (b). Such an officer will at your request mark the ballot paper in your presence and in accordance with your wishes. He will also complete the necessary certificate in this behalf.

(d) After your declaration has been signed and your signature has been attested in accordance with item (b) or item (c), place the declaration in Form 13A as also the smaller cover marked 'A' containing the ballot paper, in the larger cover marked 'B'. After closing the larger cover, send it to the returning officer by post or by messenger. You have to give your full signature in the space provided on the cover marked 'B' but no postage stamp need be affixed by you.

(e) You must ensure that the cover reaches the returning officer before 10 A.M. on the (date).

(f) Please note that—

- (i) if you fail to get your declaration attested or certified in the manner indicated above, your ballot paper will be rejected; and
- (ii) if the cover reaches the returning officer after 10 A.M. on the.....
(date) your vote will not be counted.

FORM 13D

INSTRUCTIONS FOR THE GUIDANCE OF ELECTORS

[See rule 23 (1) (d)]

(To be used at an election to the Council of States or to the Legislative Council of a State.)

Election to the Council of States/.....Legislative Council

The persons whose names are printed on the ballot paper sent herewith are candidates at the above election. If you desire to vote, you should record your vote (votes) in accordance with the directions given in Part I below and then follow the instructions detailed in Part II.

PART I—Directions to Electors

1. The number of members to be elected is.....
2. Vote by placing the figure 1 in the space opposite the name of the candidate for whom you vote. Place the figure 1 opposite the name of the one candidate only • (although there are more members than one to be elected).
3. You may indicate your relative preference for the other candidates by placing in the spaces opposite their names the figures 2, 3, 4, etc. in order of such preference.
4. Do not place more than one figure opposite the name of any candidate and do not place the same figure opposite the names of more candidates than one.

5. An elector shall obtain the attestation of his signature on the declaration in Form 13A.—

- (a) if he is under preventive detention, by the Superintendent of the jail, or the commandant of the detention camp, in which he is under such detention,
- (b) if he is not under preventive detention, by a stipendiary magistrate to whom he is personally known or to whose satisfaction he has been identified, or in the case of an election by a council constituency, by any of the following categories of officers who have been notified in this behalf by the Election Commission, namely :—

.....

PART II—Instructions for Electors

1. After you have recorded your vote on the ballot paper, place the ballot paper in the smaller cover marked 'A' sent herewith. Close the cover and secure it by seal or otherwise.

2. You have then to sign the declaration in form 13A also sent herewith in the presence of an officer competent to attest your signature. See directions 5 above. Take the declaration to any such officer and sign it in his presence after he has been satisfied about your identity. The officer will attest your signature and return the declaration to you. You must not show your ballot paper to the attesting officer nor tell him how you have voted.

*To be deleted when only one member is to be elected.

3. If you are unable to mark the ballot paper and sign the declaration yourself in the manner indicated above by reason of illiteracy, blindness or other infirmity, you are entitled to have your vote marked and the declaration signed on your behalf by an officer mentioned in item 2. Such an officer will at your request mark the ballot paper in your presence and in accordance with your wishes. He will also complete the necessary certificate in this behalf.

4. After the declaration has been signed and your signature has been attested in accordance with item 2 or 3, place the declaration in Form 13A as also the smaller cover marked 'A' containing the ballot paper, in the larger cover marked 'B'. After closing the larger cover send it to the returning officer by registered post or by messenger.

5. You must ensure that the cover reaches the returning officer before 10 A.M. on the.....(date).

6. Please note that--

- (i) if you fail to get your declaration attested or certified in the manner indicated above, your ballot paper will be rejected; and
- (ii) if the cover reaches the returning officer after 10 A.M. on the.....(date), your vote will not be counted.

7. Any ballot paper on which the figure 1 is not marked or on which the figure 1 is set opposite the name of more than one candidate, or is so placed as to render it doubtful to which candidate it is intended to apply, or on which the figure 1 and some other figure are set opposite the name of the same candidate or on which the same figure is set opposite the name of more candidates than one, or on which the signature of the elector is not duly attested or the number of which does not agree with the number of the ballot paper entered on the cover in which it is placed, will be rejected.

FORM 14

List of Challenged Votes

[See rule 36(2)(c)]

Election to the* from the constituency.

Polling Station.....

Serial number of entry	Name of elector	Serial number of		Signature or thumb impression of the person challenged	Address of the person challenged	Name of identifier, if any	Name of challenger	Order of Presiding Officer	Signature of challenger on receiving refund of deposit
		Part of roll	Elector's name in that part						
1	2	3	4	5	6	7	8	9	10

Date.....

Signature of Presiding Officer.

*Appropriate particulars of the election to be inserted here.

FORM 15

List of Tendered Votes]

[See rule 42(2)]

Election to the * from the constituency

Number and Name of
Polling Station.....

Serial number, serial number and name of elector	Address of elec- tor	Serial number of tendered ballot paper	Serial number of ballot paper issued to the person who has already voted	Signature or thumb-impres- sion of person tendering vote
1	2	3	4	5

Date.....

Signature of
Presiding Officer.

*Appropriate particulars of the election to be inserted here.

FORM 16

(See rule 45)

PART I—Ballot paper account

Election to the from the constituency

No. and name of polling station

	Serial numbers	Total numbe
1. Ballot papers received		
2. Ballot papers not used		
3. Ballot papers issued to voters		
4. Ballot papers cancelled		
5. No. of tendered votes cast at the polling station		

Date.....

Signature of presiding
officer.....

PART II—Result of counting

Name of candidate	Number of valid votes cast
1.	
2.	
3.	
4. etc.	
Rejected ballot papers	
Total No. of ballot papers found in the ballot box(es)	

Signature of the counting
supervisor

Date.....

Signature of the Returning
Officer.....

FORM 17

Tendered Ballot Paper

[See rule 49 (3) (f)]

Election to the *..... from the constituency

Serial Number of Ballot Paper.....

Polling Station.....

Name of elector.....

Serial number of elector.....in part numberof the
electoral roll.

Address of elector.....

Name of candidate in whose favour vote is tendered.....

Date.....

*Appropriate particulars of the election to be inserted here.

FORM 18

Appointment of Counting Agents

[See rule 52 (2)]

Election to the from the
..... constituency.

To

The Returning Officer

I, * a candidate/the election agent of who
is a candidate at the above election, do hereby appoint the following persons as my
counting agents to attend the counting of votes at:-

Name of the counting agent

Address of the counting agent

1.

2.

3.

Signature of *candidate/election agent.

We agree to act as such counting agents.

1

2

3

Place.....Signatures of counting agents.

Date

Declaration of Counting Agents.

(to be signed before the Returning Officer)

We hereby declare that at the above election we will not do anything forbidden by
section 128† of the Representation of the People Act, 1951, which * we have read/have
been read over to us.

1.

2.

3.

Date Signatures of counting agents.

Signed before me

Date

Returning Officer.

*Strike off the inappropriate alternative.

†Section 128 of the Representation of the People Act, 1951:-

"128 Maintenance of secrecy of voting.—(1) Every officer, clerk, agent or other person
who performs any duty in connection with the recording or counting of votes at an
election shall maintain, and aid in maintaining, the secrecy of the voting and shall not
(except for some purpose authorised by or under any Law) communicate to any person
any information calculated to violate such secrecy.

(2) Any person who contravenes the provisions of sub-section (1) shall be punishable
with imprisonment for a term which may extend to three months or with fine or with
both."

FORM 19

Revocation of Appointment of Counting Agent

[See rule 52 (4)]

Election to the *.....

To

The Returning Officer

I.....[the election agent of.....] a candidate at the above election hereby revoke the appointment of.....my/his counting agent.

Place.....

Date.....

Signature of person revoking.

* Here insert one of the following alternatives as may be appropriate:—

- (1) House of the People from the.....constituency.
- (2) Legislative Assembly from the.....constituency.
- (3) Council of States by the elected members of the Legislative Assembly of.....(State).
- (4) Council of States by the members of the electoral college of.....(Union Territory).
- (5) Legislative Council by the members of the Legislative Assembly.
- (6) Legislative Council from the.....constituency.

N.B. Omit the words [] as necessary.

FORM 20

Final Result Sheet

(To be used for recording the result of voting at polling stations other than notified polling stations).

[See rule 57 (2)]

ELECTION

to the.....
 from the.....constituency.

Polling Station.		Number of valid votes cast in favour of			Number of			Number of tendered votes	Remarks
Serial No.	Name	A	B	C	Valid votes	Rejected votes	Total votes for polling station		

Total number of votes recorded
at polling stations.

Number of votes recorded on
postal ballot papers

Total votes polled

Returning Officer

Place.....

Date.....

(See rule 59)

[To be used for recording the result of voting at notified polling stations].

ELECTION

to the*
from the Constituency]

Polling Station		Number of ballot papers found in the ballot box of								Total for polling Station		Number of tendered Votes	
Serial	Name	A		B		C		D					
		Valid	Rejected	Valid	Rejected	Valid	Rejected	Valid	Rejected	Valid	Rejected	Total	
1	2	3	4	5	6	7	8	9	10	11	12	13	14
TOTAL													
		Number of valid votes polled by											
		A	B	C	D	Total							
Recorded at polling stations													
Recorded on postal ballot papers													
Total votes polled													

Place.....
Date.....

Returning Officer

* Appropriate particulars of the election to be inserted here.



FORM 22

Certificate of Election

[See rule 66]

I, Returning Officer for the.....Parliamentary/Assembly
Constituency in the State of.....hereby certify that I have on the
.....day of.....19....., declared
Shri.....of.....to have been duly elected by the said

House of the People
constituency to be a member of the and that in token thereof
Legislative Assembly

I have granted to him this certificate of election.

.....
Returning Officer,
for the.....Parliamentary/
Assembly constituency.

Place.....

Date.....

Seal



FORM 24

Certificate of Election

[See rule 85]

I, Returning Officer for the election to the Council of States by the
Legislative Council,
 elected members of the Legislative Assembly
Local Authorities'
Graduates' Constituency/members of the Legislative Assembly
Teachers'
 hereby certify that I have on the day of 19....
 declared Shri to have been duly elected to be a member
 of the Council of States and that in token thereof I have granted to him
Legislative Council
 this certificate of election.

.....
 Returning Officer

for election to the Council of States
Legislative Council

Place.....

Date.....

Seal

SCHEDULE

(See rule 83)

Illustration of the procedure as to the counting of votes at, and the declaration of the result of, an election conducted on the system of the single transferable vote in accordance with the provisions of Chapter VI of Part II.

Assume that there are seven members to be elected, sixteen candidates, and one hundred and forty electors.

The valid ballot papers are arranged in separate parcels according to the first preference recorded for each candidate, and the papers in each parcel counted.

Let it be assumed that the result is as follows :—

[illegible]

Each valid ballot paper is deemed to be of the value of one hundred and the values of the votes obtained by the respective candidates are as shown in the first column of the result sheet.

The values of all the papers are added together and the total 14,000 is divided by eight (*i.e.*, the number which exceeds by one the number of vacancies to be filled) and 1,751 (*i.e.*, the quotient 1,750 increased by one) is the number sufficient to secure the return of a member and is called the quota.

The operation may be shown thus :—

$$\text{Quota} = \frac{14,000}{8} + 1 = 1,750 + 1 = 1,751$$

The candidate H, the value of whose votes exceeds the quota, is declared* elected.

As the value of the papers in H's parcel exceeds the quota, his surplus must be transferred. His surplus is 149, i.e., 1,900 less 1,751.

The surplus arises from original votes, and therefore, the whole of H's papers are divided into sub-parcels according to the next preferences recorded thereon, a separate

parcel of the exhausted papers being also made. Let it be assumed that the result is as follows:—

	Papers
B is marked as next available preference on	7
D is marked as next available preference on	4
E is marked as next available preference on	4
F is marked as next available preference on	3
Total of unexhausted papers	18
No. of exhausted papers	1
Total of papers	19

The values of the papers in the sub-parcels are as follows:—

B	700
D	400
E	400
F	300
Total value of unexhausted papers	1,800
Value of exhausted papers	100
Total value	1,900

The value of the unexhausted papers is ₹1,800 and is greater than the surplus. This surplus, is, therefore, transferred as follows:—

All the unexhausted papers are transferred, but at a reduced value, which is ascertained by dividing the surplus by the number of unexhausted papers.

The reduced value of all the papers, when added together, with the addition of any value lost as the result of the neglect of fractions, equals the surplus. In this case the new value of each paper transferred is

149 (the surplus)

18 (the number of unexhausted papers)

the residue of the value of each paper ($100 - 8 = 92$), being required by H for the purpose of constituting his quota, i.e., one exhausted paper value 100 plus the value (1,656) of 18 unexhausted papers.

These values of the sub-parcels transferred are:—

B=56 (i.e., seven papers at the value of 8);

D=32 (i.e., four papers at the value of 8);

E=32 (i.e., four papers at the value of 8)

F=24 (i.e., three papers at the value of 8);

These operations can be shown on a transfer sheet as follows :

Transfer Sheet

Value of surplus (H's) to be transferred	149
Number of papers in H's parcel	19
Value of each paper in parcel	100
Number of unexhausted papers	18
Value of unexhausted papers	1,800
New value of each paper transferred =	
Surplus	149
number of unexhausted papers	18
	= 8

Names of Candidates marked as the next available preference										Numbers of papers to be transferred	Value of sub-parcel to be transferred
B	.	.	.	.	.	.	.	.	.	7	56
D	.	.	.	.	.	.	.	.	.	4	32
E	.	.	.	.	.	.	.	.	.	4	32
F	.	.	.	.	.	.	.	.	.	3	24
TOTAL										18	144
Number of exhausted papers										1	..
Loss of value owing to neglect of fractions										1	5
TOTAL										19	149

The values of the sub-parcels are added to the values of the votes already credited to the candidates, B, D, E and F. This operation is shown on the result sheet.

There being no further surplus, the candidate lowest on the poll has now to be excluded. G and O both have 400.

The Returning Officer casts lots and G is chosen to be excluded.

Being original votes, G's papers are transferred at the value of 100 each. A who was marked as next preference on two papers receives 200, while D and E were each next preference on one paper and receiving 100 each. O now being lowest is next excluded and his 400 is similarly transferred to I, B and K, I receiving 200 and B and K 100 each.

This leaves J and P lowest with 500 each and J is chosen by lot for exclusion first. His papers are transferred at the value of 100 each to A, B, D and I, the three first named receiving 100 each, and I who had the next preference on two papers receiving 200. P is then excluded and his papers are transferred to E, L and K, the two first named receiving 100 each, and K, who had the next preference on three papers, receiving 300.

K now exceeds the quota and is declared elected.

Prior to further exclusion, K's surplus of 49 has to be distributed.

The sub-parcel last transferred to K consisted of 3 votes transferred at the value of 100 each. This sub-parcel is examined; there are no exhausted papers and B, F and I are each next preference on one paper and one paper is transferred to each of them at a reduced value determined by dividing the surplus (49) by the number of unexhausted papers(3). B, F and I accordingly receive 16 each.

The process of exclusion is now proceeded with.

C and N have 600 each, and C is chosen by lot for exclusion first. He has 6 original votes; B, D and E are each next preference on two papers, and each receives 200. N is then excluded; A is next preference on 3 of his papers, and receives 300; F, I and L are each next preference on one paper and receive 100 each.

This brings A and I above the quota and they are declared elected. Their surplus have now to be distributed and I's surplus which is the larger, 65, is dealt with first.

The last sub-parcel transferred to I consisted of one paper transferred at the value of 100, D is next preference on this paper, and receives the whole surplus of 65.

A's surplus of 49 is then dealt with. The last sub-parcel transferred to him consisted of 3 papers transferred at the value of 100 each. B was next preference on two of these papers and E on one, and the papers are transferred accordingly. The value to be transferred is 16 per paper, i.e., the surplus (49), divided by the number of the unexhausted(3). B accordingly receives 32 and E 16.

No other candidate having reached the quota, the process of exclusions is proceeded with, and F, who is now lowest with 840, is excluded.

His seven original votes are transferred first. B, D and E are next preference on three, two and two papers, respectively, and receive respectively 300, 200 and 200.

The transferred votes are next transferred in the order of their transfers to F. The 3 votes received at the value of eight each at the distribution of H's surplus are transferred at the same value to L who was next preference on all 3 papers. The vote valued at sixteen received by F at the distribution of K's surplus, goes at the same value to M, who was next preference on that paper. The vote transferred at the value of 100 on the exclusion of N is then transferred at the same value to D, who thus receives a total of 300.

No continuing candidate having yet reached the surplus, N, who is now lowest with 1,016 is excluded.

His ten original votes are transferred first. B and D are first preference on three papers each, and E and L on two each. B and D accordingly receive 300 each, and E and L 200 each. This brings B, D and E above the quota, and they are declared elected. The requisite number of candidates having now been elected, the election is at an end, and it is unnecessary to proceed to the transfer of M's transferred votes.

Full details are shown in the result sheet.

Value of votes 14,000

RESULT SHEET

$$\text{Quota} = \frac{14,000}{8} + 1 = 1,751$$

Name of candidates	Value of votes at first count	Distribution of H's surplus	Result	Distribution of votes of G and O	Result	Distribution of votes of J and P	Result	Distribution of K's surplus
1	2	3	4	5	6	7	8	9
A	1,200	..	1,200	+200	1,400	+100	1,500	..
B	800	+56	856	+100	956	+100	1,056	+16
C	600	..	600	..	600	..	600	..
D	900	+32	932	+100	1,032	+100	1,132	..
E	1,000	+32	1,032	+100	1,132	+100	1,232	..
F	700	+24	724	..	724	..	724	+16
G	400	..	400	-400	..	..	..	..
H	1,900	-149	1,751	..	1,751	..	1,751	..
I	1,300	..	1,300	+200	1,500	+200	1,700	+16
J	500	..	500	..	500	-500	..	..
K	1,400	..	1,400	+100	1,500	+300	1,800	-49
L	800	..	800	..	800	+100	900	..
M	1,000	..	1,000	..	1,000	..	1,000	..
N	600	..	600	..	600	..	600	..
O	400	..	400	-400	..	..	..	..
P	500	..	500	..	500	-500	..	..
Loss of value by neglect of fractions	..	+5	5	..	5	..	5	+1
TOTAL	14,000	..	14,000	..	14,000	..	14,000	..

Value of votes 14,000

RESULT SHEET—*contd.*

$$\text{Quota} = \frac{14,000}{8} + 1 = 1,751$$

Result	Distribution of votes of C and N	Result	Distribution of surplus of I and A	Result	Distribution of F's votes	Result	Distribution of M's votes	Result	Result of Election
10	11	12	13	14	15	16	17	18	19
1,500	+300	1,800	—49	1,751	..	1,751	..	1,751	Elected
1,072	+200	1,272	+32	1,304	+300	1,604	+300	1,904	Elected
600	—600	..	..	..	..	..	..	..	Not Elected
1,132	+200	1,332	+65	1,397	+300	1,697	+300	1,997	Elected
1,232	+200	1,432	+16	1,448	+200	1,648	+200	1,848	Elected
740	+100	840	..	840	—840	..	..	..	Not Elected
..	..	..	..	..	..	..	..	..	Not Elected
1,751	..	1,751	..	1,751	..	1,751	..	1,751	Elected
1,716	+100	1,816	—65	1,751	..	1,751	..	1,751	Elected
..	..	..	..	..	..	..	..	..	Not Elected
1,751	..	1,751	..	1,751	..	1,751	..	1,751	Elected
900	+100	1,000	..	1,000	+24	1,024	+200	1,224	Not Elected
1,000	..	1,000	..	1,000	+16	1,016	—1,000	+16	Not Elected
600	—600	..	..	..	..	..	..	..	Not Elected
..	..	..	..	..	..	..	..	..	Not Elected
..	..	..	..	..	..	..	..	..	Not Elected
6	..	6	+1	7	..	7	..	7	
14,000	..	14,000	..	14,000	..	14,000	..	14,000	

[No. F. 7(4)/61-Elections
S. P. SEN-Varma, Jr. Sec

GMGIPND—71 G of I—24—4—61—5850

